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The Washington Monthly

DECEMBER 1972/ONE DOLLAR

1972

STEALING FROM THE BLIND

What a Unionized Civil Service Can Do

How Walter Shapiro Sank

or

Riding the Wave of Popular Support for Amnesty and Abortion

WHIZZER WHITE

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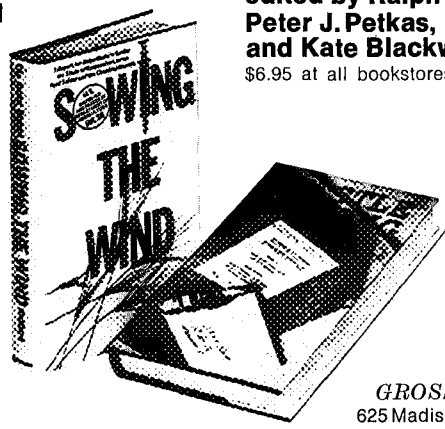

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Letters

Cautious Careerists

Since Shriver established the five-years-and-out principle and assigned many newly returned Volunteers to responsible positions in the Peace Corps, why would Gonzales and Rothchild ["The Shriver Prescription: How the Government Can Find Out What It's Doing," November] perceive evaluations as a governmental technique to keep these same short-term, highly-motivated staffers honest? Were they really such traditional bureaucrats?

The reason one didn't see "everybody stepping back or ducking for cover" in Peace Corps Washington and abroad, I would suggest, was because they *could* take criticism, much of it richly deserved, without worrying about a future career with the agency.

MARSTON D. HODGIN, II
Wallingford, Conn.

The editor replies:

Mr. Hodgin states a very good reason for the government to seek fewer career employees and more of the "short-term, highly-motivated" people who won't duck for cover.

Informing Congress

I noted with interest your tidbit urging that Congress use the General Accounting Office for more investigations [October].

The GAO is one of the most thorough, respected and efficient investigative bodies in Washington. Unfortunately, it is its thoroughness, its respectability and its efficiency that are its downfall. A GAO report on a particular subject takes from six months to a year. Even a minor item like a post-award protest takes two to three months.

You could point out that this provides top-quality information that is difficult to refute. However, I have seen federal agency after federal agency (most notably the Pentagon) successfully argue before committees that "while what the GAO says was true a year ago, we have corrected those deficiencies and the situation no longer exists." It would take another GAO investigation to prove them wrong!

What the Congress needs is a fast investigating team that can get to the bottom of a controversy and produce facts untarnished by the politics of committee hearings before the issue is cold. With such information in hand and the willingness to perform, Congress might stand a chance against the bureaucracy.

PETER K. ILCHUK
Washington, D. C.

The editor replies:

An interesting example of the kind of reporting Mr. Ilchuk mentions was the investigation by Walter Pincus in 1969 for the Senate subcommittee of U. S. security agreements and commitments abroad. His work led to hearings in which senators actually knew what they were talking about, even down to knowing the right follow-up questions.

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TIDBITS and...

The Bankers Take an Interest in Health

In our continuing study of how our friendly banker takes us all to the cleaners, we have reported how the National Bank of Washington grew rich from the interest-free deposits of the miners' pension fund and how the nation's 50 largest banks earn millions from the interest-free deposits of the federal tax and loan accounts. Recently, Ronald Kessler revealed another heartening example of banking enterprise. The treasurer of the Washington Hospital Center has kept a million dollars of the hospital's funds on interest-free deposit at American Security and Trust, where he also serves his fellowmen as a vice president.

Drug Trip, Part II

In last month's "Tidbits and Outrages," we ran some statistics from HEW showing that American drug companies generally charge U. S. druggists higher prices than they charge pharmacists in eight other countries. T. Donald Rucker, the HEW employee who prepared the study, has gone on to the reward reserved for courageous government employees—he has, according to Morton Mintz of *The Washington Post*, resigned under pressure from the Pharmaceutical Manufacturers Association.

A Hot Tip

We are ever eager to assist the Administration in its war against crime. We're confident that Attorney General Kleindienst will want to look into the similarity between the following labels on mail received by Professor Miles Wolpin (1) for over a year from the State Department and (2) in September, 1972, from a Nixon campaign organization.

1)
PL-O
St. Francis Xavier University
Dr. Miles D. Wolpin
Dept. of Pol. Sci.
Antigonish, Nova Scotia
CANADA

2)
PL-O
St. Francis Xavier University
Dr. Miles D. Wolpin
Dept. of Pol. Sci.
Antigonish, Nova Scotia
CANADA

Bread for the Reds

Canada has just concluded a major wheat deal with China. We hope that our neighbor comes out better than we did on our deal with the Russians. The issue of corruption aside, the American taxpayer took a net loss of $27,000,000 according to John Fialka of *The Washington Star News.*

Taxpayer Gains

	(In Millions)
Rise in value of surplus wheat	$183.5
Cut in 1972 farm subsidy	$120.
Cut in 1973 farm subsidy	$189.
Storage and interest savings	$ 73.
Total Gains	$565.5

Taxpayer Costs

Rise in bread price	$178.5
Rise in flour price	$ 20.
Wheat export subsidy	$300.
Shipping subsidy	$ 40.
Subsidy cost to farmers who sold early	$54.
Total Costs	$592.5

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OUTRAGES

Nixons of the Future

During the recent campaign, the Wilmington, Delaware *Morning News* uncovered a memorandum from the Republican National Committee to Young Republican groups at colleges, telling them how to organize and run mock presidential elections on campus. Some of the memo's tips:

Purpose—From the point of view of the campaign, the only reason for holding or participating in a mock election is to obtain favorable publicity for our candidate. In our increasing youth-oriented society the opinions, and preferences of young people largely set the trends for the entire nation.

Setting Up A Mock Election—The first choice of an organization to sponsor a mock election is a non-partisan group. . . . Last choice, but still worthwhile if all else fails, is a poll sponsored directly by College Republicans. . . .

The voting must be entirely optional and not, for instance, at a school assembly where everyone *must* vote. By being better organized than the opposition, more Republican votes can be delivered. . . .

Early Preparations—. . . . *No attempt* should be made, even among our club general membership, to let out early how important holding a mock election is to us. The top club leadership should privately make all plans for the poll. *No one outside the club leadership* should be given any idea of the state-wide program, or that any techniques used in winning the election came from outside the campus.

Winning the Election—. . . . The morning of the election, have pretty girls in short skirts in the parking lot to hand copies [of a letter] to every commuter and solicit his vote. . . . Not the least benefit [of an election victory] can be the demoralization of the opposition. They thought they had the youth vote. . . .

EACH WORKER SIMPLY CALLS HIS FRIENDS. . . AND ASKS THEM IF THEY HAVE VOTED YET. . . IF THEY HAVEN'T, HE ASKS THEM, AS A *FAVOR*, TO GO OVER AND VOTE FOR THE MAN. . . . The indisputable fact is that most college students are not highly interested in the mock election [and] . . . do not have any personal reason to vote. Having an acquaintance ask them to vote gives them a reason. The overwhelming majority of such persons who are properly asked will go over and vote as requested. . . .

Making the Victory Count—A mock election does absolutely no good if no one hears about it. . . . If it is clear we are winning, you might. . . call several media outlets and ask the results of the mock election. (Posing, of course, as an impartial citizen.) This will give the impression the results are indeed newsworthy. . . .

[A press release to be prepared in advance should include:] a one-line quote from our local chairman. He might say I) how students will work just as hard for our nominee on election day as they did for him to win this poll or II) how the heavy vote shows that students at the school are organizing a campaign to write letters to their family and friends in other parts of the state, asking them to support our nominee or IV) there does not seem to be much Democrat candidate enthusiasm on this campus, or V) that students are turning to our man because they don't like machine politics, government corruption, or students believe that it is time for a change, or VI) some equivalent theme. Be Creative!!

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DEMOCRACY IN ACTION:

One Who Lost

by Walter Shapiro

As campaign headquarters went it was far from plush or even spacious. Lacking even the earthy populism of a storefront, it was two rooms on the second floor of an Ann Arbor, Michigan, office building which had once housed the local John Birch Society. Throughout my congressional campaign, I fantasized that my left-wing support would evaporate on that inevitable day when a campaign worker would discover a cache of old copies of *None Dare Call It Treason* under a loose floorboard.

It had been less than a model mid-July morning. Ninety minutes of door-to-door campaigning had found five registered voters at home. Three of them were women who listened impatiently through locked screen doors. A fourth was a retired United Auto Workers member who insisted on telling me his incoherent theory about how Leonard Woodcock had arranged the murder of Walter Reuther. But meeting even these few voters was better than enduring the languid pace of a small shopping center on a weekday morning.

Jill Berkeley, my 22-year-old campaign manager, had been on the phone all morning—setting up coffees, cajoling the printer into one more handbill, despite our unpaid balance, and relentlessly trying to milk four volunteers for a midnight mailing of a well-thumbed address file.

In contrast, I had been idly leafing through the morning paper, trying, along with my press secretary, to develop an exciting new gimmick for a press release. For weeks we had sensed that this almost-daily ritual didn't matter, that few voters are swayed by press releases, and that even fewer papers on our press list would print them anyway. Those that did usually cut them to ribbons and relegated them to something called "Candidate's Corner."

Suddenly the other phone rang, and within seconds our small cubbyhole office was electric from the whispered announcement, "It's CBS News calling from New York."

The woman researcher from CBS briskly explained how I, as a 25-year-old congressional candidate, fitted into their plans for a documentary on the youth vote. A camera crew would be arriving in Ann Arbor before the August 8 primary, but first they wanted some background.

I was far from reticent. I found myself telling how I had gone from editing the campus newspaper to working in Washington as a political writer for *Congressional Quarterly*. To add a little frosting of activism, I stressed the summer I had spent

Walter Shapiro, former political writer for Congressional Quarterly, *was a Democratic candidate for Congress in the Michigan primary in August.*

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probing the American Automobile Association for Ralph Nader.

I explained that Michigan's Second District was an ideal arena to test the youth vote, with high registration among the 50,000 college students in Ann Arbor and at Eastern Michigan University in neighboring Ypsilanti. With an active absentee ballot drive designed to maximize the student vote, we were optimistic about an upset victory in the six-way primary, despite its being held in the midst of the sleepy summer term.

A CBS promise to call again before the camera crew arrived ended the conversation. We waited until primary day, but the CBS cameras never came.

CBS wasn't alone—*The Wall Street Journal* didn't come either. I was told that their Detroit bureau kicked around the idea of doing a youth vote article on my campaign, but then shelved it to see if I won the primary. The Detroit papers didn't come either. We had to go to them. A visit to the *Detroit News* and repeated calls to the *Detroit Free Press* resulted in two small articles on the race the weekend before the primary. In fact, the closest we came to turning into a national—or even an area—media event was when we heard that a leading political reporter was making a side-trip to Ann Arbor during a visit to Detroit. Then we discovered that his reason for coming was to buy several ounces of marijuana.

Running a campaign on a $7,000 shoe-string budget and bucking the UAW and virtually every other union in the district, I came within about 1,300 votes of winning the six-way primary. (I got 28 per cent of the 30,000 votes cast, to the winner's 32 per cent.) The campaign taught me a great deal about politics I hadn't learned at *Congressional Quarterly*, sitting at a typewriter in Washington and trying to keep up with 435 congressional districts from newspaper clips.

It taught me that it is often the newspaper clips which make congressional campaigns seem exciting and meaningful. It taught me about the symbiotic relationship which must exist between unorthodox candidates and the political reporters who infuse their races with drama. It taught me that there are really only two types of congressional races—those with television cameras and those without.

The Star System

Neither John Kerry, spending more than $100,000 to win a 10-way primary in Boston's northern suburbs, nor Allard Lowenstein, in his twin primaries against John Rooney in Brooklyn, suffered from a dearth of press coverage. Of course, both Kerry and Lowenstein were national figures before their campaigns started. And Lowenstein, like fellow Brooklynite Liz Holtzman, was using the primary to challenge an entrenched, and controversial, incumbent.

But races like these form our standard images of what it's like to run for the House. Races like these have an aura of glamour—a corps of volunteers that would make the owner of a singles' bar drool, candidates willing to spend grueling hours tramping from subway stations to the top of fetid tenements, and, of course, appropriate rhetoric about "forging new populist coalitions."

In contrast, most congressional primaries have all the glamour of a Fuller Brush route and are discreetly ignored by both the local media and the majority of the voters. Rather than a debate on the issues, they are generally three-legged races among virtual unknowns trying to achieve some district-wide recognition. Rather than testing the power of local political organizations, most primaries reinforce David Broder's dictum that "the party's over."

Part of the problem is simply that "nobody covers the House." Bob Fellmuth, director of Ralph Nader's Congress Project, estimates that in more than half the House districts the only news about an incumbent congressman comes from the legislator himself

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in the form of newspaper columns and television tapes. In another 40 per cent of the districts, coverage is "routine," generally based on press releases, speeches, and announcements of federal projects.

Perhaps the best coverage is in districts urban enough to support a major paper, but small enough so the paper only circulates in two or three congressional districts. As a good example of this, Fellmuth cites the way the *Sacramento Bee* covers John Moss, the area's Democratic congressman.

This is a marked contrast to the level of coverage in most districts. For every Bella Abzug created by the metropolitan media, there are a dozen congressional races blacked-out by the intense competition to fill urban copy-holes. In many rural districts the congressional race is admittedly the area's biggest political news, but the local weeklies are generally too small to cover it. But the problem is most acute in suburban districts, often lacking cohesive community ties, where the local papers are more advertising fliers than news sources.

If this is the level of coverage of incumbent congressmen and general-election campaigns, the media attention which primaries receive is even less. This scant coverage is often justified because primaries are theoretically only halfway houses on the road to Congress. But, far more confusing than the general election, they need media coverage because they are often the races where the voter has to grapple with a multiplicity of relatively unknown candidates, without the comforting crutch of a party lever.

I also feel that the tone of the House is as much determined by the outcome of primaries as it is by the number of seats which switch party every other November. Obviously primaries are pivotal in the one-party districts whose representatives make up at least two thirds of the House. But in marginal districts, for example, there are often sharper differences over the issues between contenders in the Democratic primary than there are between the eventual nominees of the two national parties. Democratic primaries in these districts often determine whether the nominee will try to ingratiate himself with the Congressional Establishment or put peace over porkbarrel.

Livonia v. The Kids

On paper, Michigan's Second District is one of the most evenly split in the country. The increased student registration and redistricting which replaced rural Republicans with the slightly Democratic Detroit suburb of Livonia have created a district which is close to 55-percent Democratic—on paper. But election statistics obscure the vast political differences between left-wing college students and anti-busing suburbanites. And it is an ability to exploit these Democratic differences that just reelected moderate Republican Congressman Marvin Esch to his fourth term with a margin of over 20,000 votes.

Midway between suburban and exurban, the Second District forms a misshapen arc around Detroit. Starting less than 10 miles west of the Detroit city limits in Livonia, it extends 25 miles further west to Ann Arbor and then spreads south into Monroe County, bordering on Lake Erie and Ohio in the southeast corner of Michigan.

Traditionally the district has been dominated by Ann Arbor, the home of Esch and Wes Vivian, his Democratic predecessor elected in the 1964 Johnson landslide. But redistricting changed the locus of power within the district, counterbalancing the Ann Arbor academic enclave with Livonia, which is keenly attuned to the labor-dominated and ethnic-oriented politics of the Detroit metropolitan area. Both have populations of slightly more than 100,000.

More than anything else, the six-way race for the seemingly attractive Democratic congressional nomination became a regional contest between

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Ann Arbor and Livonia. Starting with a base in the student community, and developing a politically more potent following during three months of intensively courting Ann Arbor Democrats, I carried the colors of academia in the race. My principal opponent was UAW-backed Marvin Stempien, the 38-year-old floor leader of the state House, who played a major role in having Livonia added to the Second District. Most of the minor candidates were regional too. Two came from feuding wings of the Ypsilanti Township party—a pocket of transplanted Southerners who brought their politics with them from Kentucky—and a third was promoted by a small right-wing faction centered in Monroe County.

Perhaps like all first-time congressional candidates I had a dream of the kind of campaign it would be. I even half-believed that I could bring together many of the disparate elements in this crazy-quilt district. I would be a youth candidate, bringing together college students and young factory workers by stressing that voters under 30 are the most underrepresented minority in America. I would be a populist candidate, challenging the powers of the giant corporations, as well as railing against "tax loopholes." I would even try to attract conservative votes by emphasizing my concern with the size and the unresponsiveness of the federal bureaucracy.

But rather than becoming the spellbinder of the union halls, rather than transfixing PTA meetings with my eloquence, I found that the only new group I could attract to my "emerging populist majority" was a few Monroe County chiropractors.

In contrast to Livonia, the city of Monroe, a small Lake Erie port dominated by memorabilia of its only local hero, General Custer, is almost ideal for personal campaigning. Or anyway, that was the theory of my local campaign manager, for personal campaigning had already led me to such unlikely gatherings as a "Jesus freak" rally for high school students. Consequently, I wasn't very surprised when he suggested a visit to "Doc" Panza's Chiropractic Life Institute and hinted that chiropractors were a "hidden power bloc" in Monroe County.

The Snake-Charmer Vote

My speech to the assembled chiropractors neatly ducked the minor problem that they were militantly opposed to drugs and abortion—the legalization of which were major planks in my program. "I've been to Washington," I told them, "and I've seen the powerful lobbies at work. Of all these lobbies, the one most dedicated to thwarting the public interest is the American Medical Association. And I pledge, if elected, to never succumb to pressure from the selfish interests of the AMA."

It was great. I pledged to stand firm against any dilution of national health insurance, and my audience believed that I had vowed to fight for justice for chiropractic medicine. It wasn't total hypocrisy, because given a personal penchant for diversity, I'd be willing to give chiropractors—and snake-charmers and shamans of all breeds—the right to call themselves doctors. It certainly couldn't lower the standards of health care in this country.

After the speech, "Doc" Panza himself came over, fingered my campaign literature, and said, "I disagree with you 100 per cent on drugs, abortion, and busing, but do you need any help on election day?"

Actually "Doc" Panza was one of the few opponents of busing I won over. Busing dominated the primary, which was held only a few months after the Roth decision had mandated cross-district busing throughout the Detroit metropolitan area. Although in the Second District only Livonia was covered by the Roth decision, busing also had an impact on those areas of Monroe County just south of Detroit. Passions were at a fever pitch, with anti-busing marches held almost daily in Livonia. Stempien, under

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attack for being only a moderate on the busing question, vowed that he'd sooner go to jail than obey the Roth decision. Catering to my own convictions and my Ann Arbor constituency, I supported busing as "an awkward, but necessary, tool." But rather than leaving me with lasting insights on the nature of the anti-busing phenomenon, the campaign never gave me a chance for rational debate on the issue, even in Livonia. My appearances there were arranged by a small but enthusiastic New Democratic Coalition chapter, perhaps the last one still functioning in Michigan. Consequently, I was left with the enjoyable, but less than politically effective, situation of preaching to the converted in the land of the heathen.

Yet in many ways there was little else I could do. Livonia typifies many of the difficulties of politics in the new suburbs. For a candidate, especially an insurgent with a limited local organization, suburbs like Livonia are virtually impregnable.

Up Against the Screen Door

There is no real center to it, only shopping centers. In fact, I can't really remember seeing any sidewalks. The first line of escape from Detroit, Livonia developed around the automobile, not the pedestrian. With everyone driving to work, there are no commuter railroad stations or bus terminals to leaflet in the morning. What cohesion the community has lies in the shared asphalt of interchangeable parking lots and Burger Chefs.

The difficulties of campaigning in Livonia were significantly increased by a Supreme Court ruling this summer. The Court drastically limited the rights of political access to privately-owned shopping centers and closed for me whatever small chance existed of reaching the suburbanites while they consumed.

There is the current political motif of the lonely candidate (fill in Lawton Chiles or Dan Walker) trudging down street after street, going door to door, in an endless quest for votes, vaguely reminiscent of a scene from *Loneliness of the Long Distance Runner*. What all these visions of the perpetually active candidate neglect to mention is the small percentage of residents who are home during the day in communities like Livonia where families often invest more money in their cars than in their homes.

Since there are more than 100,000 dwelling units in the Second District, the logistical problems caused by a real devotion to door-to-door campaigning are vast. Canvassing in primaries is as difficult as in general elections, since Michigan is one of those states without party registration. Although Ann Arbor maintains a list of active Democrats, elsewhere in the district there were few clues as to which voters were likely to be among the 15 per cent of the electorate who would vote in the Democratic primary.

What residential campaigning I was able to do in Livonia did not endear me to face-to-face handshaking as a way of confronting controversial issues. Willing to write off anti-busing militants, I confined my campaigning to allegedly more liberal sections of Livonia and skipped the many houses which genteelly displayed little black-and-white window signs reading, "This Family Will Not Be Bused." At the houses where I stopped, the response was generally guardedly friendly—until they had a chance to read my campaign literature. Then came the confrontation.

Facing the Issue

Without trying to overplay my martyrdom, I probably picked up more crumpled leaflets from the sidewalk than the Livonia Sanitation Department and reached the sad conclusion that busing is not one of those issues which can be defended in a front yard when the irate homeowner has given you 15 seconds to leave his property.

But my support of the Roth deci-

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sion should not be entirely regarded as a kamikaze gesture, designed to place principle far ahead of practical politics. I am convinced that at the peak of the controversy there was no way for a candidate running for any office —from county commissioner on up— to sidestep the issue. My semantic niceties about "awkward, but necessary, tools" did little to help. Angry homeowners would neither listen to, nor believe, learned discourses on how the doctrine of separation of powers mandates that the busing decision must be left to the courts. And when your opponents are making the militancy of their opposition to "forced busing" the touchstone of their campaign, discreetly avoiding the subject in your own campaign literature doesn't win converts, it merely undermines your credibility.

Why the Peace Movement failed for so long

a comment on liberalism in America today

Sam Brown on "The Politics of Peace"
John Rothchild on "The Senate's lame Doves"
Suzannah Lessard on "Let Those Hillbillies Go Get Shot"
Taylor Branch on "Prisoners of War, Prisoners of Peace"

Send $2.00 today to The Washington Monthly and ask for ***"Why the Peace Movement Failed for so Long"***

Abortion was another issue which couldn't be avoided. Ann Arbor is one of the few communities in the country where there is a strong feminist vote. And to the feminists, Marvin Stempien was close to "public enemy number one" in the legislature, due to his opposition to abortion legalization and his sorry record on related women's issues.

Although my support of abortion legislation and my insistance that abortion be covered by any national health insurance bill which passes Congress won me strong support in Ann Arbor, my chances of attracting the Right to Life vote vanished early in the campaign. After an encouraging talk to a class of high-school seniors in a Catholic girls' school in Monroe, a nun active in the local Democratic Party asked me after class, "How do you feel about abortion? I didn't want to bring it up in front of the girls."

On the Tightrope

The spectre of a student-oriented, Ann Arbor-based, left-wing third party running their own candidate against me in the general election made it politically unwise, as well as personally distasteful, for me to waffle on any issue—be it busing, abortion, or drugs.

Developing with the rise of student registration in Ann Arbor, the radical Human Rights Party had elected two student activists to the city council in the April local elections. With strong antipathy to liberal Democrats and political compromise, they saw a third party as the only route toward rapid political change in the country. Although I had personal ties with some of the HRP leaders, dating from my days as a campus editor, the only way I could be certain that they would not run a candidate in November and fragment the student vote was to remain uncompromisingly pure on the issues. (Largely due to an unrelated internal faction fight, HRP did not run a congressional candidate against Stempien, although he op-

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posed them on almost every major issue. On such circumstantial ironies, politics is based.)

Inasmuch as the campaign was fought on issues, it was these twin issues of abortion and busing which were at the heart of the primary. On a rainy Sunday, two days before the primary, both Marv Stempien and myself were in Monroe for a county fair parade. I had my leaflets and Stempien had red balloons which said, "No Busing/No Abortions/Stempien To Congress."

Actually there was a broad spectrum of differences between the candidates. Yet to discover these other issues, far more relevant to one's performance in Congress than busing and abortion, you almost had to attend one of the campaign's six candidate forums. Since the best attended of these was held in Livonia and attracted an audience of 45, one could say that other issues did not figure prominently in the campaign. Actually, the size of that audience was deceptively inflated. When you sort out each candidate's entourage, candidates running for other offices, and organizers of the forum with whom you have already talked repeatedly, you are left with six candidates, spending three hours trying to woo four uncommitted voters.

The Livonia forum was the only one actually covered by the press. A young reporter from the biweekly *Livonia Observer* wrote an account so lacking in nuance that it summarized the debate by saying, "There was only a hairsbreadth of difference between Shapiro and Stempien on most issues." This, and the dutiful printing of about one press release per issue was the *Livonia Observer*'s entire coverage of the campaign.

Power of the Press

There are four daily newspapers within the Second District, counting the campus paper, the *Michigan Daily*. The *Monroe Evening News* printed nothing but biographies of each candidate and the *Ypsilanti Press* ran only occasional press releases. Although the *Ann Arbor News* ran parts of most of our press releases, it generated only one of its own articles on the campaign. Briefly describing each of the candidates, the article went on to say that "among the issues Shapiro is stressing in his campaign are amnesty for draft dodgers. . . . " The only time amnesty was mentioned in the entire campaign was when the same *Ann Arbor News* reporter asked me about it during an hour-long candidates' discussion aired by Detroit's UHF educational channel. Broadcast twice, but not widely publicized, the well-intentioned program was little watched, partially because the weak signal does not reach the entire Second District.

Television almost played a major role in the campaign. On the 11 o'clock news the Saturday before the primary, one of Detroit's major stations telecast a report on how members of the state legislature were using state printing facilities to produce campaign literature. The campaign used to illustrate the point was that of Marvin Stempien.

Stempien, realizing the explosive potential of a film of his aides covertly running off campaign brochures, closed his campaign office for two days to avoid answering questions before the primary. He needn't have worried—only the highly partisan *Michigan Daily* ran a follow-up story. We were left with a solid campaign issue which we were totally unable to exploit. Surfacing far too late in the campaign for a press release to be printed, the Saturday-night exposé may have influenced the baby-sitter vote, but little else.

Without the media to distinguish between candidates or develop campaign issues, leaflets and mailings became almost the only way of communicating with the voters. Mailings had to be limited, because the cost of postage to reach every voter in the district once was about $8,000—or more than the cost of my entire

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campaign. But Ann Arbor is almost tailor-made for leafletting. With a concentrated student population, brochure distribution is relatively easy, and working from street lists of Democrats prepared by the local party, we were also able to reach the bulk of the off-campus Ann Arbor vote.

My Pal Ralph

Leaflets make it difficult to communicate anything other than "code words" which identify you on an ideological spectrum but don't convince. For Ann Arbor, all that was needed was to produce literature which pinpointed issues that demonstrated that I was the most left-wing of the six candidates. But, beyond the Ann Arbor purist vote, we needed something of a more general, almost nonpartisan, tone.

Together with a friendly advertising agency we decided to play my Nader ties to the hilt. Any "Ralph and me" imagery is rather fraudulent since in a summer of working for his Public Interest Research Group I spoke with him once. And that was on the telephone. But one of the advantages of being ignored by the media was the feeling that "who in Washington would ever know" what we said about Nader.

One side of the leaflet read: "What Difference Would A Nader Raider Make In Congress?/What Difference Did Nader Make In Cars?/ Shapiro·For Congress." It could have been worse. We could have used the slogan, "Nader Trusted Him."

It's hard to tell what impact these leaflets had on voters. Campaigning outside the gates of a Ford plant, I got some obscene answers to the rhetorical question, "What difference did Nader make in cars?" The leaflets also attracted at least a dozen complaints about faulty appliances, which I promised to relay to Nader in Washington. And since I lost Livonia by landslide proportions, the Nader imagery apparently didn't soften the impact of my support of busing.

Ron Ziegler, a 27-year-old junior high-school teacher who ran our Monroe County campaign, is convinced that my support of the legalization of marijuana cost us votes. While it didn't seem to have a major effect on voters, it certainly didn't attract the working-class youth vote we had hoped. In Monroe County perhaps our proudest achievement was carrying the tiny Ohio border town of Erie. It was in Erie where I had shaken virtually every hand at a parade honoring "Erie's own," who had just been elected "Miss Michigan." We had followed this up with a mailing to the 600 people who had voted in the 1970 primary. Ziegler thinks, however, that the votes we received in Erie were from those who didn't open the letter, but remembered my name from the signature envelope.

Parades and factory gates call for an entirely different kind of personal campaigning than trying to talk substantively with voters on their front stoops and in front of their local supermarkets. There is no content to "pressing the flesh" outside of a factory gate, just the hope that the contact might ring a bell when the worker enters the voting booth.

But parades were my favorite. By the campaign's end I had become adept at the firm handshake and incessant repetition of "I'm Walter Shapiro, running for Congress in the Democratic primary," as I walked down the gutter of a main street, desperately trying to keep ahead of a local drum-and-bugle corps. There is a mindlessness to these parade appearances which is almost maniacally appealing. People at parades are especially friendly, but I still don't know how many of the 160 votes I received in Plymouth were because of my strenuous efforts during the Fourth of July parade.

Preoccupied with the idea that personal contact produces votes, one is often unable to communicate with a voter when they ask for something more substantial than a handshake.

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Standing in a drizzle outside a polling place on primary morning, I handed one of the first voters our printed card which read, "Walter Shapiro/A Nader Raider Can Make A Difference in Congress." The woman took the attractively designed blue card, glanced at it, and asked, "What am I supposed to do with this, anyway?" I stood there, almost tongue-tied, having expected the card to serve as a talisman and produce votes. A moment later I became embarrassed, realizing that nothing I could say in a sentence or two would be likely to affect the woman's vote. Looking back, I'm almost glad the magic didn't work, because there was something too mechanical, too bloodless, about the whole transaction.

Cardsharp Campaigning

Admittedly there were better moments. At the Monroe County Fair I encountered a mother and her four-year-old son, happily holding aloft a red "Stempien To Congress" balloon. Discreetly ignoring the balloon, I introduced myself as a candidate for Congress. The boy looked up, pointed to the balloon and asked, "Is that yours?" As I shook my head "no," the little boy let go of the string of his red, helium-filled balloon and said, "I like you better."

Campaigning in Ann Arbor is different than anywhere else in the district. Anything overtly political, like standing on a streetcorner shaking hands, somehow undermines the cynicism which is the cement that holds campus and community together in a city like Ann Arbor. Publicly dispensing vast amounts of campaign literature detailing issue stands, however, is the hallmark of a successful Ann Arbor campaign. Saturday night movies brought out the riverboat cardsharp in me, as I often dealt as much as a ream of campaign literature to patrons waiting to see *The Godfather*.

Student areas had their own peculiar hazards. At the campaign's outset we were planning to stress my lack of partisan political connections. To counter the image of a Young Democrat toadying up to every area politician, our initial student literature called me the "unpolitician." This approach convinced no one. In fact, the standard response was, "If you're not a politician then why are you running for Congress?"

Eventually the campaign was saved by the legitimacy of my roots in the student community. Jill Berkeley, my campaign manager, was running the operation en route to Northwestern Law School. Bob Bier, my press secretary, was former editor of the *Michigan Daily*. They were typical of our volunteer campaign, which featured primarily graduate students and recent alumni of the University.

Primary day was damp. Our get-out-the-vote effort in Ann Arbor was hampered by the difficulty of getting students without cars to brave the rain and go to the polls. Our volunteer efforts at the polls were counterbalanced by paid UAW workers for Stempien. We carried the absentee voters by better than a ten-to-one margin, but only 30 per cent of the students who requested ballots actually returned them.

It was about two in the morning when the results became clear. It was a regional primary. I carried Ann Arbor five-to-one, Stempien carried Livonia ten-to-one. He also bested me in UAW-dominated Monroe County by better than three-to-two. As these results, compiled from frantic phone calls all over the district, began to sink in, the phone rang. It was a local radio station—they had just declared me the winner and wanted a victory statement. So my first and last radio interview of the campaign consisted of my patiently explaining that our calculations had me losing by a little better than a thousand votes. With the phone call went my last chance to become a media hero.

No regrets. Some debts. And the lingering question—what would it have been like if CBS had shown up? ■

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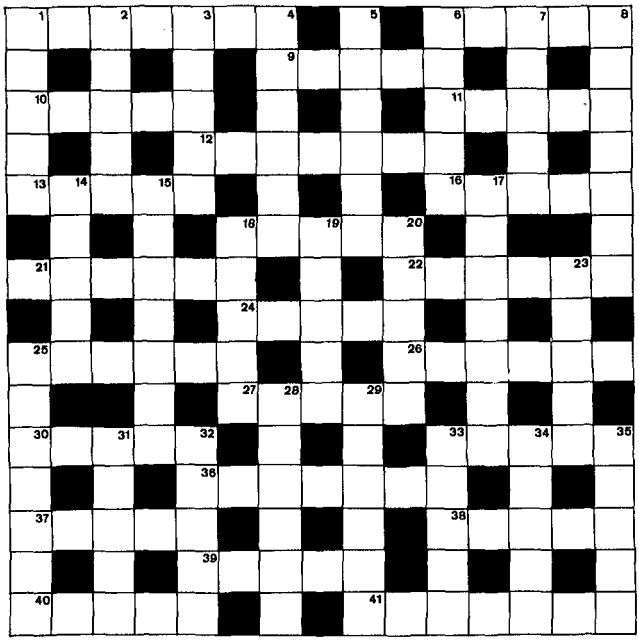
The Political Puzzle

by John Barclay



ACROSS

1. Rate son high in Washington society. (7)
6. To get home pull stockings around you. (5)
9. Antagonist in Yemen. (5)
10. In time when spirits flag, ingenuity may help. (5)
11. Rights women's libbers want. (5)
12. Dance done how we like it. (4-3)
13. Something that happened in middle of 1970. (5)
16. Play written by pal of mine. (1, 4)
18. Take a meal from a petal. (5)
21. To freshen up put name in the elevated. (6)
22. He is best read with icy beer. (6)
24. In this matter, stay away more than on others. (1, 2-2)
25. Nip ICC frolic in the bud. (6)
26. How to decline in code. (2, 4)
27. Use a lyre at dawn mass. (5)
30. When you can alter time. (5)
33. Campaign approach using reams of paper. (5)
36. GE is happy to step into 27 Across. (7)
37. Wait for 50-unit group before proceeding. (5)
38. Lady of the manor. (5)
39. Where an ear for crowd noise is important. (5)
40. For short gentleman, eye shadow adds polish. (5)
41. Hamlet might see metro ad; there's the rub. (2,5)

DOWN

1. Department with taste. (5)
2. Like a vine untrained. (5)
3. Comes after up and before end. (5)
4. Leaper's second thought about law. (6)
5. Atlantic City roster. (6)
6. Has he any redeeming qualities? Sense of humor? (5)
7. Commonly spelled with s, l, a, and w? (5)
8. Place to see pill at work in D. C. (7)
14. Leonardo met his end in 106 A. D. (5)
15. One mine gets the nod. (7)
17. Unlikely result of more Fed. action. (7)
18. The position of Peyton. (5)
19. Our short mother commands love in Paris. (5)
20. By one measure, things look black indeed. (5)
23. Refreshment in Mexico coal mine. (5)
25. To query Indian sounds like dirty business. (7)
28. You raged when I disagreed. (6)
29. Special rope for a trail task. (6)
31. Baroness or Moby Dick, for example. (5)
32. Go from one layer to another. (5)
33. Why dons are going to church meeting. (5)
34. Eastern part of lake is strange indeed. (5)
35. To prepare for battle, mister comes up and takes ear in. (5)

The numbers indicate the number of letters and words, e.g., (2, 3) means a two-letter word followed by a three-letter word. Groups of letters, e.g., USA, are treated as one word. Answers to last month's puzzle are on page 42.

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—You'll discover a surprising new direction in children's fiction, what the world's most famous behavorist believes about poetry, how an Italian psychiatrist and an American neurologist view the creative process.

—What does Glenda Jackson plan to do next? What films are Melvin Van Peebles and the man who made *The Go-Between* already shooting? If you can't resist the urge to make your own movie, what is the first step to take?

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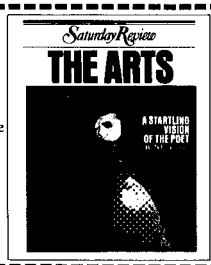

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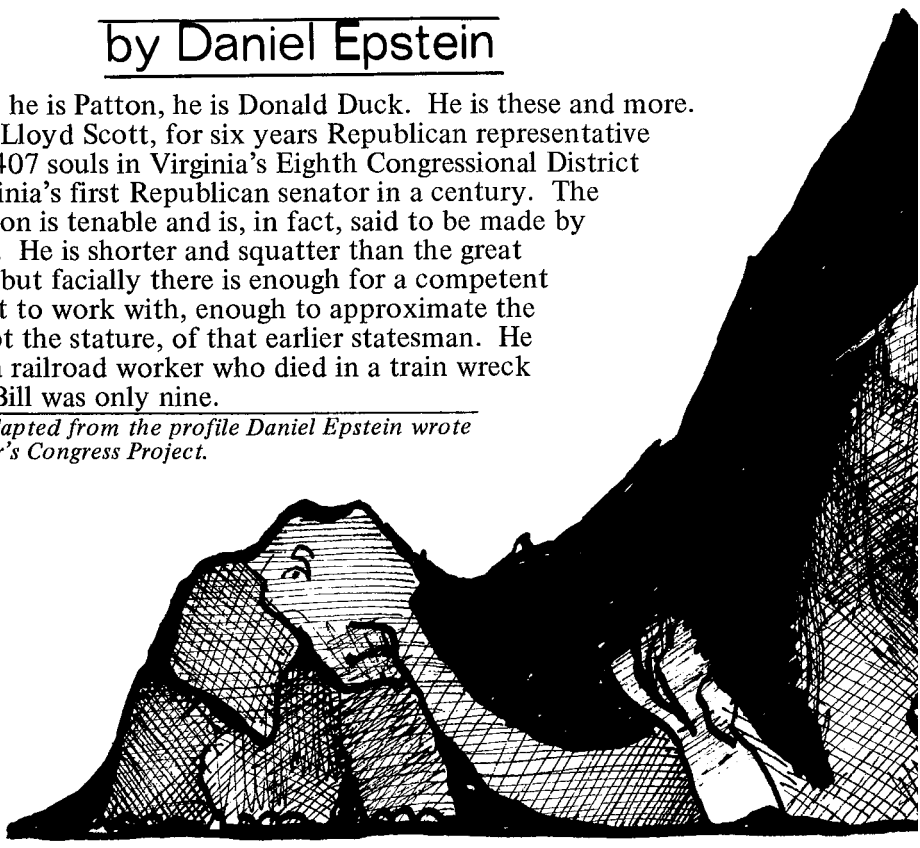
DEMOCRACY IN ACTION:

One Who Won

by Daniel Epstein

He is Lincoln, he is Patton, he is Donald Duck. He is these and more. He is William Lloyd Scott, for six years Republican representative of some 594,407 souls in Virginia's Eighth Congressional District and now Virginia's first Republican senator in a century. The first comparison is tenable and is, in fact, said to be made by Scott himself. He is shorter and squatter than the great emancipator, but facially there is enough for a competent make-up artist to work with, enough to approximate the features, if not the stature, of that earlier statesman. He is the son of a railroad worker who died in a train wreck when young Bill was only nine.

This article is adapted from the profile Daniel Epstein wrote for Ralph Nader's Congress Project.



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He grew up in the Tidewater region of Virginia and came to Washington, D.C., at age 19 to start his government career as either a 60-cents-an-hour laborer at the Government Printing Office or (reports differ) as a messenger with the Post Office Department. Today, at 57, completing his third term in the House of Representatives, he says proudly, "It's an honor for a poor boy to be in Congress."

But if Bill Scott is Lincoln to himself, he is Patton to his hard-worked office staff. Here, in this smaller arena, if not in the great halls of Congress itself, the second image recurs: interviews with Representative Scott's aides portray the member of Congress as a General George Patton in civvies who is irritated with laziness or with anyone who reads a newspaper in his office. In fact, the bulk of Scott's reputation seems to consist of grotesque tales of harsh temper, ingratitude, niggardliness, quixotic disciplinarianism, and summary mistreatment—mostly directed at those in his Capitol Hill employ, but also at times extending to visitors in his office. This facet of his reputation nettles Bill Scott. He has been, perhaps unduly, put into the position of the man who is routinely asked: Have you stopped beating your wife? The glare of politics and mass media seems to allow for only a yes or no answer, and Scott has worked hard to extend his options for reply.

As to the comparison with Disney's immortally foolish character, Donald Duck, it is oblique but apt; it is adduced to explain how Bill Scott got into Congress in the first place. In 1966 Virginia witnessed the end of a political era. The Byrd machine, which had kept crusty Old Judge Smith in Congress for 36 years, got caught idling and failed to get Smith elected in the primary; he was bumped off the ticket by George Rawlings, a liberal. The Byrd-Smith Democrats looked with contempt on Rawlings. As political reporter Jack Limpert recalled two years ago in *The Washingtonian*, "The Byrd machine was so mad it would have backed Donald Duck against Rawlings." In fact, they backed Scott, if only by default, and gave Scott, after years in the civil service, the first elective office he ever held.

He won in 1966. He won in 1968. He won in 1970.

And now, in 1972, he has won a seat in the Senate after a surprise victory over Democratic Senator William Spong.

Who and what is Bill Scott? And why is he? The record is extensive by now, if uniformly thin. He has put in some 30-plus years of government service and is very much his own man. He is a canny civil servant, careful about his government career, a shrewd and clever captain of his own fate, who at this point is ready to steer into his final haven—further public service in the U. S. Senate. He is a paradigm of his ilk, and as such, his story is worthy of some study.

Just a Farm Boy at Heart

Country Bill Scott lives with his wife Inez on a four-acre country place outside of Washington where he keeps physically active puttering around the house and tending the fruit trees that dot his land.

Gazing out over his hand-tended acres, the veteran pragmatically sums up his congressional philosophy in one of his rare on-the-record utterances, and although the sentiment is terse and almost trite, it perhaps holds the secret of Scott's cautious and careful success: "If the people will tell me how they feel," he says, "I'll do a better job of representing them."

To find out how the people feel, Scott works hard. "He sends out newsletters and questionnaires, answers his mail, offers free booklets on home heating and veterans' benefits, takes groups of children on tours of the Capitol, and pushes his Buick along country roads to chicken dinner after chicken dinner," Jack Limpert wrote. "For many years Scott taught an adult Bible class at the Fairfax

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Methodist Church, and he still delivers guest sermons at churches in his district. He is a Lion and a Shriner. Although his World War II service was limited to computing payrolls from April through October, 1945, he loves talking to American Legion groups, and he is a flag-waving conservative in the best Southern tradition." In addition to these public-performance activities, Country Bill (the sobriquet aids in distinguishing him from Senator Hugh Scott of Pennsylvania) has been active in PTA groups and has been president of both elementary and high school area PTAs. He is on the rostrum, in the pulpit, in the chair so often that it would seem that he views congressional office, and the road thereto, as primarily an exercise in the performing arts.

The Representative's time is not all spent before the public gaze. At his office in 1217 Longworth House Office Building, Bill Scott puts in a hard-driving working day. There, nattily attired in conservative shirts, careful suits, and polished shoes, Scott keeps a tight discipline and holds himself up as a model of industry and frugality for his employees to follow. Here, he insists upon the same spartan code he practiced during the brief period he was off the government payroll. (He was dropped from his job as special assistant to the Solicitor of the Interior Department in July, 1960, less than a year after receiving the political appointment—and this, after 21 safe, tenure-protected years in the Justice Department.) He opened up a private law practice and dug in with that determination to succeed which had marked his earlier civil service career. Nothing was too small, no expense too trivial, to escape his passion for frugality. In his law office, "his secretary wanted to take money from petty cash to buy paper clips," Limpert reported. "Scott said no, that he had a shopping bag of paper clips he had saved from his government service. The girl dutifully used them but many were rusted and they marked up letters and legal documents. When she complained, Scott said he would wash them, which he did, spreading them out on towels on the top of his desk to dry."

Waste Not, Want Not

But before the shopping bag of ex-governmental paper clips could be so fully recycled, the flesh-pressing, community-serving, party-working activities which Country Bill had so sedulously practiced for so many years abruptly paid off in the hesitation and demise of the Byrd machine. Scott suspended his law practice and was again upon the government payroll. "I want to be a full-time congressman," he told a reporter. "Life is too short to hold two busy jobs at one time. Besides that," he candidly notes, "my congressional salary of $30,000 a year—not including allowances—is adequate to live on." Ensconced in his plush congressional suite, his frugality-almost-to-a-fault did not abate. One employee relates that he became angry with her for photocopying excerpts from the Congressional *Record* instead of procuring free extra copies: "If a member of Congress doesn't use his stationery fund all up, he gets to pocket it," Scott reportedly admonished.

The stories of Pattonesque treatment of his staff are common Capitol gossip, as are statistics tallying the swift turnover in Scott's staff. (Of the 56 people Scott hired between 1967 and 1971, only 12 stayed with him to the end of 1971.) A possible explanation comes from a former press secretary summarily fired for "disloyalty":

"He's a strange guy—at first charming—gives you assurances of his deep personal interest in your good job. He talks for half an hour to say one thing—or else bursts out of his office, comes out yelling. He talks backwards—conclusions first, then problem: 'I'm mad, you're not loyal.' "

Further marring the good record Scott tries to present are stories of his forcing staff employees to wait on tables at fund rallies, ordering that

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blacks not receive his newsletter and similar mailings, and bodily ejecting proponents of gun-control legislation from his office.

On the other hand, Scott has to his credit such achievements as the Ft. Belvoir Post Office toilet facility project, where he was instrumental in having separate commodes put in to replace the old, single one which had served both sexes. A woman worker at the site is quoted as asserting that the Representative restored her "personal dignity."

The Ft. Belvoir toilet facility is, indeed, the very type of down-home grandstanding which any representative must do if he hopes for reelection. It is what technicians in the lore of law term "case work"—that is, the taking care of the problem cases which constituents bring to their legislators. And it is in just this area of serving as backyard ombudsman that Country Bill Scott functions more than adequately. The voters like what he does and they like the way he does it, having given him majorities as high as two-to-one in his congressional races. After lagging in the opinion polls, Scott beat Spong with some 55 per cent of the vote.

Whether the people of the whole state will be quite so pleased is hard to tell. Scott beat Spong not by discussing his own record, but by broadcasting endorsements from Spiro Agnew and speaking of a "McGovern-Spong" axis. The trail Scott has left behind him during six years in Congress makes one wonder whether Virginians knew what they were getting. It's not just that Scott has taken a doctrinaire right-wing position, voting against nearly anything that comes up (and earning, along the way, a 94-percent rating from the conservative Americans for Congressional Action and a three-percent rating from the Americans for Democratic Action), but that in doing so, he has even resisted the temptation to vote for projects that would benefit his state:

Business—Scott's district (not to mention his state) is largely rural, but the few business subsidies he has supported have been for big-city or out-of-state industries. Scott voted against creation of a rural telephone bank (to make loans for rural phone service) but voted for special subsidies to Lockheed (a $250-million bail-out), the major airlines (for SST losses), and the merchant marine ($500 million for construction subsidies).

People—Scott didn't represent coal miners as a congressman, but he will as a senator. They may not be cheered to learn that he voted to cut Social Security payments for miners who get black-lung benefits, and that he voted against the Black Lung Benefits Act in the first place. In 1970, Scott was one of only 12 congressmen who voted against the Coal Mine Safety Act.

The Environment—The congested stretch between Scott's home and the Capitol is one of the best arguments for mass transit, but Scott has voted several times to kill funds for a subway system for the metropolitan Washington area. The day after he beat Spong, one of Scott's two promises to Virginians was to push for completion of Interstate Route 66, a highway that would cut through residential and rural areas of northern Virginia. (The other promise was to trim welfare programs.) On national environmental issues, Scott has won a 13-percent rating from the League of Conservation Voters by voting against most anti-pollution measures. He was, for example, one of only seven congressmen opposing a "national scenic rivers" program.

Environmental issues were important in Scott's 1970 campaign, when his opponent, Darrel Stearns, took a stand against the Salem Church Dam project. The Interior Department and conservation groups also came out against the plan, which would have dammed two wild Virginia rivers, the Rappahannock and the Rapidan. Scott supported it, though, noting that it had been under study since 1933 and that he "didn't want any more studies."

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It is informative to review the mechanisms by which Scott (or any other representative) takes his case to the electorate and comes home with the bacon. Somebody wins and somebody loses, and Country Bill Scott has been good at winning. How does he do it?

Bringing Home the Bacon

Scott's 1970 campaign against Darrel Stearns—one of charges and countercharges—is a good example. Stearns took the offensive in challenging Scott to debate, and said, "If he chickens out on this series of debates as he retreated ignominiously from debates in other campaigns, I promise that my campaign will be merciless in exposing the totality of his inept, insulting performance as an elected representative of American citizens."

In an interview with the *Fredericksburg Free-Lance Star* on October 14, 1970, Scott said: "I don't reply to any charge that's made by my opponent. I've lived in the same house for 23 years in Fairfax County, I've been in touch with people throughout the district, they know me—my precinct, you know, I carried it by better than 80 per cent—so I'm not particularly concerned about smear tactics at all."

Stearns continued to challenge Scott to debates, but Scott never accepted. In one instance, Stearns asked Scott to debate at the Navy Elementary School in Fairfax County on October 28 at 8 p.m. and circulated fliers advertising the event. A Scott spokesman told the *Free-Lance Star* that "There's no chance he [Scott] will be at the Navy Elementary School. If Mr. Stearns wants to go there then that's fine by us."

In a newspaper article, Stearns detailed his opinion of Scott as a representative:

> Scott has turned in a personal performance of congressional ugliness and rudeness that I find unparalleled in any congressman. He has bodily thrown constituents out of his office who have come to see him on matters of importance; he has insulted newsmen from Eighth District newspapers and thrown them out of news conferences when they asked questions he didn't want to answer; he has been so ungenerous and petty as to refuse to have his picture taken with the children of servicemen because their parents couldn't vote for him. His employees know his true colors and have left his employ in numbers unmatched by any congressman past or present. . . . I find it revealing that his strident racial bigotry is so extreme that it embarrasses even his friends.

Scott did not reply to charges made by Stearns, nor did he agree to

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debate with him. Scott only reacted after Stearns charged that Scott was unpopular with President Nixon, Governor Linwood Holton, and his congressional colleagues. Scott's response was, "a person who bases his entire campaign on a series of falsehoods is not competent to hold any office of public trust and is certainly unfit to sit in the Congress of the United States." Stearns' charges that Scott was unpopular are hard to prove; the other charges, however, are not.

The question of who bankrolls Bill Scott is a fascinating one but is hard to answer. Country Bill's own attitude seems to be, "the less said, the better." He refuses to divulge financial sources in any open way and apparently feels he has more to gain by mystery than disclosure.

The Bankroll

Scott received substantial support from the National Republican Campaign Committee (NRCC) in 1968—on four separate occasions it contributed a total of $4,000 to his campaign. The National Association of Manufacturers' political front, the Business-Industry Political Action Committee, contributed $2,000 on September 12, 1968. Other contributions were not disclosed because of a loophole in the Federal Corrupt Practices Act of 1925 which requires members to report only contributions of which they have personal knowledge.

In his report to the Clerk of the House, Scott noted that the total funds received by the "Committee to Reelect Scott" were $43,442.89. He also reported that the committee had spent a total of $35,908 for his 1970 campaign. Thus, there was a sizeable amount—$7,535—left over which Scott didn't spend on his campaign but received as campaign contributions. It is unclear what happened to that money.

In fairness to Scott, it should be said that this reluctance to give out information is consistent with his whole record and character and may have its basis in nothing more than a quirk or personal idiosyncrasy—on a par with his hordes of rusty paper clips, his interoffice penury, his inability to say thank you, his reluctance to be interviewed or quoted or to go on record with any sort of meaningful statement. He retains all he has acquired and cannot easily or graciously part with any of his acquisitions, be they money, influence, information, paper clips, or campaign-funding data.

Reaching for the Senate

After the 1972 redistricting, Scott's own residence was put into the 10th District by the Virginia General Assembly. To run for representative from his old Eighth District, Country Bill would have had to move. His dilemma was clearly defined: stay put, stick with the representative role, and pit himself against Joel T. Broyhill for the 10th District seat—which Broyhill has held almost as a fief for 20 years—or move off his four stately acres to a new site in the shrunken Eighth District. Typically, he played the staying game. Scott's decision to run for the Senate against Spong was made early enough to insure nomination—and late enough to salvage his 30-year service pension, if he met defeat. He announced his candidacy in November, 1971, with a 750-mile flying trip around the state, saying he expected "no material opposition" for the Republican nomination.

If Scott had lost his campaign for the Senate he would have retired on a $28,500 pension. He could then have chosen either to get out that old bag of rusty paper clips and go into law practice with his two sons, or sit contentedly on his four acres in Fairfax, gaze out over his manicured trees, and sip the sweet wine of reminiscence, secure in his conviction of a life well spent, of a long and careful career as a canny, pragmatic politician. But Scott didn't lose; now he goes on to the Senate. ■

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MEMO of the Month

DATE: September 27, 1972

TO : Professional Staff, OPA

FROM : Jack L. Billings
Acting Assistant Commissioner for Public Affairs

SUBJECT: Illuminating Affirmatively

Under the Operational Planning System, the Office of Public Affairs has one "objective" which is to be tracked by the Deputy Commissioner for External Relations. The title of the objective is "Affirmative Illumination of Success of Education." With critics continually emphasizing what's wrong with education, the Commissioner wants to counter-balance that by highlighting what's right with education.

In order for this office to provide a continuing report on the achievement of this objective, it will be necessary for us to receive quarterly reports of progress from all units of OPA. The first quarter of this fiscal year will end on September 30. By October 10, we will need a report from each Division and independent unit of accomplishments which can be included under the stated objective.

Although this will necessarily be a quantitative report, the format will be narrative. In other words, we do not want a table showing the number of press releases and actualities produced during the quarter (in the case of the news division), but rather a paragraph about press releases and actualities--or one on each--explaining how these helped to achieve the objective as well as how many were produced and what the distribution was.

The key to this exercise is the name of the objective. We are to report on those things we did that helped to shed light in a favorable way on educational success. One could, of course, argue that this is, in fact, the entire name of the game for OPA. That would be an evasion of the the point. For example, press releases are prepared and distributed about the appointment of new employees of certain ranks and grades. Such items clearly have nothing to do with illuminating the success of education. There are many other activities which also have no impact, except by the most devious route, on this topic.

We should end up with an overall narrative report (one at the end of each quarter) which will clearly tell the Deputy Commissioner what OPA has been doing to help achieve this goal.

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Obviously, certain of our publications will fall into this category. Some responses to public inquiry could be so described. The dissemination of certain kinds of materials may also be classified in this way. The production of a Presidential Proclamation might qualify. Seminars, meetings and clinics which we have helped publicize, organize or operate may meet the criteria. Most speeches will probably fall into this category, as will articles in journals and magazines and many, if not most, of the articles in American Education Magazine. Films and other special projects, in most cases, will fit this model, as will the television and radio appearances of program people and administrators when arranged by OPA people. Value judgments must be made, and some thorough searching of files and tapping of memories will be in order.

Responding to this directive will take some creative management on the part of Division Directors and Branch Chiefs in OPA, and the development of the first such report will be the most difficult and must be done in the least time. Distribution of this memorandum is being made to all staff members in order to make sure that all of us are aware of the requirement; clearly, however, it will be necessary for the appropriate supervisors to make the assignments necessary at each level to make sure all the material is submitted to this office no later than the close of business on October 10. Recompilation and transmittal to the next level will be accomplished in the Office of the Assistant Commissioner. Submission to the Deputy Commissioner will will be no later than c.o.b. October 16.

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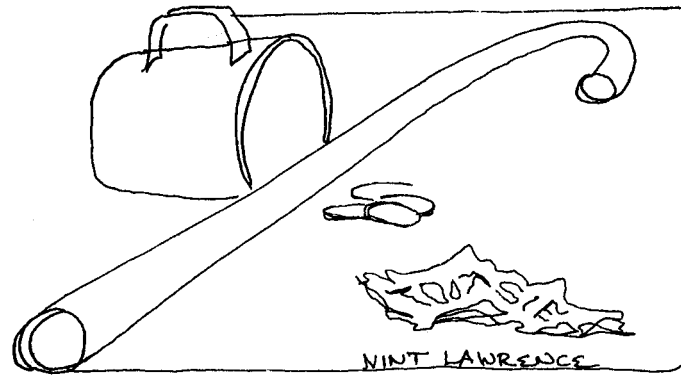
Stealing from the Blind



by Marjorie Boyd

The subject of our tale is the Blind Vendors Program, which installs the little stands from which blind people sell candies and newspapers in post offices and other government buildings. Amid the desert of wrecked and overblown government plans, this program has been one small oasis, a tiny but heartening reminder that sometimes government can actually do some good.

The Blind Vendors Program began in 1936—no wild experiment, but a careful copy of a successful Canadian project. The thinking behind it was simple: since someone is going to sell candies and newspapers to the captive audience in government buildings, the selling might as well be done by someone the government wants to help. By letting blind people do the selling, the government could not only help them earn their own livings, but it could also demonstrate to private employers that blind people were employable.

In its 36 years of operation, the program has directly employed many thousands of blind people and indirectly encouraged industries to hire countless thousands of others. More remarkable still is its economy of operation. Since the program runs on the energy of the blind and supports

Marjorie Boyd is a Washington writer.

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From the People who Sued the Republican National Committee and Won,* Comes

THE RIPON FORUM

The Ripon FORUM—the semi-monthly publication of the Ripon Society which *The (London) Economist* called "a sprightly and widely quoted magazine." In fact, the Ripon FORUM is well known for its bold political commentary, its incisive analysis of public policy questions, and its advocacy of progressive policies for the Republican Party. The FORUM contains, "some of the best political analysis of recent years," wrote James Doyle of the Washington *Evening Star*. And George Frazier, the "lit'ry life" columnist of *The Boston Globe* wrote, "I cannot abstain from entreating you to at least look at... heresy of heresies—the excellent magazine put out by the Ripon Society."

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* In November of 1971, to achieve more equal representation of all Republicans in the convention process, the Ripon Society sued the Republican National Committee seeking to have the formula used to allocate delegates to Republican National Conventions declared unconstitutional. In April of 1972, the U. S. District Court for the District of Columbia declared the formula unconstitutional and enjoined the 1972 GOP convention from adopting the same one for 1976. The injunction was stayed three days before the convention by Justice William Rehnquist.

The Society is challenging the constitutionality of the formula adopted at the 1972 convention. The case is on appeal to the U. S. Court of Appeals in Washington, D.C.

its clients with money earned in free enterprise, it has cost almost nothing in public funds. "It is," one congressman said, "a government program that has really worked."

We think of the blind vendors at Christmas time, because their program is coming to an end. While money keeps going to highway projects and armaments, this one, successful, government program is being dismantled. The agents of its change are government employees—whose tactics and power lend ominous significance to a story that would otherwise be merely pathetic.

Not Quite Perfect

The bureaucrats would just as soon not mow down the blind, but the little blind stands happen to block the way to something they want. What the civil servants are after is money to finance "employee recreation associations." These groups keep the bureaucracy humming by financing entertainments ranging from bowling leagues to office picnics. Such activities require money, of course, to pay for flowers for sick employees, wedding gifts, and other supplies.

There was a time when the employees had to pay for these things themselves. But then, several years ago, they discovered another source of money: vending machines, whose proceeds could go straight into the clubhouse treasury. The machines had the regrettable by-product of driving the blind people out of business, but then, no plan is ever perfect. With every passing year the employees see their skill rewarded as the vendors' stands are dismantled and the rows of gleaming machines are trucked in.

The bureaucrats' designs are brought home to the vendors in varied ways, as Bill Cheeseman of San Francisco discovered. For 16 years Cheeseman has supported himself as a blind vendor; recently, he has run a snack bar at the U. S. Mint. Early this year, Cheeseman, like every other small businessman in California, had

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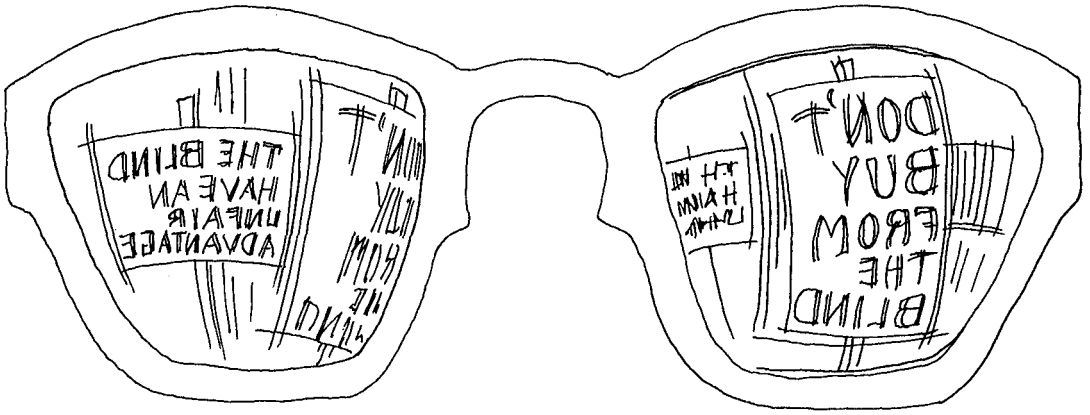

to raise some prices a few cents because of an increase in state sales tax. On May 25, nine disgruntled Mint workers picketed Cheeseman's stand, carrying placards reading "Price Increases Unfair" and "Do Not Patronize This Snack Bar." They paraded back and forth until another employee came up and reproached them. Cheeseman could hear the shouts that followed and the sounds of scuffling around him, but of course, he could neither see the men nor read their signs. He stood there until the security police entered and ended the demonstration.

Later, when someone told him what had happened, he said, "They thought I should absorb the sales tax increase? How could I do that? They know my prices are at a rock bottom. I buy Danish rolls for 15 cents and sell them for 16. Why do they feel they have some right to the money I work so hard for?"

Cheeseman's introduction to the bureaucratic squeeze was noisier than most, but the same point has been made to other blind vendors. The technique varies with the setting:

The easiest technique is keeping blind vendors from finding their way into new federal buildings. When a giant post office building was opened in Houston several years ago, the postmaster refused to let a single blind person set up shop inside, even though four blind vendors had run stands in the old building for years. This tactic has been used all over the country—at a post office in Des Moines; in an Internal Revenue Service building in Colvington, Kentucky; and in federal office buildings in Arlington, Virginia, and Sacramento, California.

Where the government is not planning a new building, the employees may try to force the vendors out. The preferred method is to rig the competition. For example, coffee is a big item for the blind vendors. Even when they must compete with machines the vendors usually win, since most people prefer coffee brewed in a large urn to the tasteless stuff that squirts from the machines. To reduce the vendors' edge, the building superintendent can simply forbid the blind man to sell coffee. Similarly, if business at the employee cafeteria flags, the superintendent can ban all sandwiches, donuts, etc., from the stands. This ploy has put many of the vendors out of business and has made inroads against others. This technique's recorded successes include a post office in San Antonio; an Atomic Energy Commission installation in Oak Ridge, Tennessee; a U. S. Customs office in Philadelphia; and a post office in Birmingham, Alabama.

If the blind vendor, with more grit than perception, keeps his stand open anyway, trying to earn a living from the few mints and postcards he can still sell, the employees may turn to a more creative technique. This involves putting vending machines in the most prominent parts of the building and moving the blind vendor to a closet, little-traveled hall, or back porch. In Baltimore one stand was moved to a

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corner on the third floor, and in an Oklahoma City post office, the vendor was put behind closed doors in a side corridor. These relocations have a predictable effect on sales volume.

A more direct approach—extorting kickbacks—is usually rejected as *declasse* because of its Mob overtones. This is not always a sufficient deterrent. At the Kennedy Space Center, 11 blind vendors found themselves confronted with protection demands from the employees. They were asked to sign papers turning over 10 per cent of their incomes to the employees' recreation association. The money was needed, the civil servants explained, to pay for upkeep on an elaborate swimming, tennis, and picnic complex they had built at the Center. The blind men, not exactly the main beneficiaries of the sports center, all capitulated—except for one, James Parkman.

Parkman soon understood that if he did not sign, his stand would be wheeled off to some obscure location and his income might disappear. Parkman's family was particularly vulnerable at the time, as they were still opening bills from recent medical troubles, but Parkman and his wife decided to stand up to the threats. They called a lawyer, who assured them they were right, and then filed a complaint. In a perceptive flash, the bureaucrats realized how the case might look once the press got hold of it. They caved in and signed a promise that none of the vendors would be harassed or asked for payoffs.

Parkman was unusual in his resistance. Why had the others given in? "Fear. They were afraid. You have no idea how hard it is for a blind person to find a job," Parkman explained. "I had a different background from the average blind man. I went to a regular school instead of a blind school and grew up competing with people who could see."

All of these tactics work against one of the few New Deal programs which is still doing what it was supposed to. The Blind Vendors legislation was sponsored in 1936 by Congressman Jennings Randolph of West Virginia. Now 70 years old and his state's senior senator, Randolph was then a young newcomer to Congress. He had taken up the cause of the blind as a Lions Club member back home, and he brought the issue with him to Washington.

Randolph's proposal that blind men and women run stands in federal buildings appealed to President Franklin Roosevelt, no stranger to working with physical handicaps. Once, when asked to explain his resilience during war and depression, he said, "I spent two years flat on my back trying to wiggle my big toe; after that, everything else has seemed easy." With Roosevelt's support, the bill moved quickly to passage.

Over the next few decades the program grew steadily. After the war, more than 3,000 blind vendors were operating in federal buildings; by the sixties they were earning average incomes of $6,000 per year. Private industries took blind vendors into their buildings, as did state and city governments. When vending machines first appeared, blind men were trained to service them, using special, braille-coded equipment. In some western states, entire cafeterias were run by blind men and women.

Operating costs are low. Initially, some state and federal money goes to train the vendors and to equip their stands. But as the stands become self-supporting, the vendors turn a share of their profits over to a revolving fund to set up new vending stands. Considering that each blind vendor represents a person removed from the welfare rolls, the program actually may have saved the government money.

The Blind Leading the Greedy

Meanwhile, not everyone was delighted with the spread of the stands. With even their slight introduction to the workings of government, the blind people should have expected one kind of trouble from the civil

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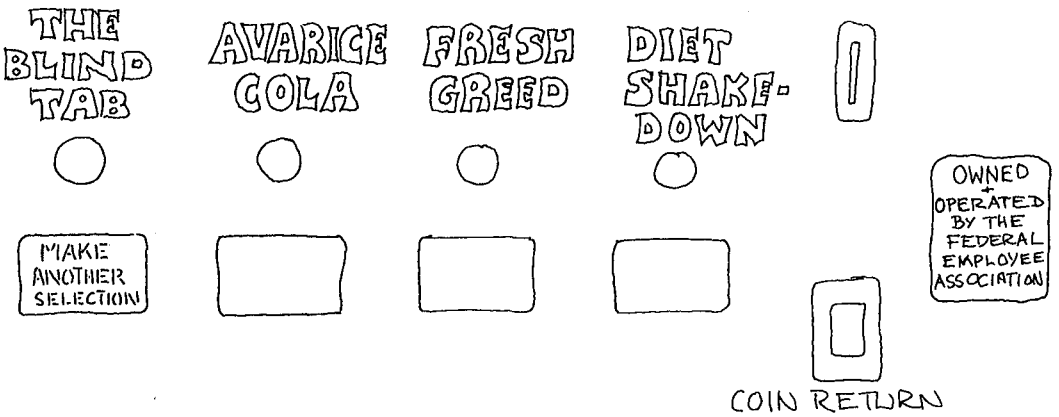

servants: the out-of-sight, out-of-mind syndrome. Federal bureaucrats are stashed in Washington, miles from the people who actually have to live with the rules they make. If the bureaucrats cut corners or indulge in whims without realizing the effect on their far-flung clients, they may be understood, if not forgiven.

The blind could be forgiven for thinking they had this problem licked. Since they were sitting in the very halls and cafeterias the bureaucrats stalked through, the vendors thought, they could hardly be overlooked. If they started to suffer from some administrative decision, what better display case could they find to call attention to their troubles?

As it turned out, the blind people had only figured out half the problem. They were visible, all right, but they'd forgotten that the bureaucrats could still ignore them. And so, when the blind vendors heard the first patter of tramping feet as bureaucrats ran over them, they learned in particularly grotesque form one moral of modern government: civil servants watch out for themselves first.

If any of them had been able to see movies like *The Treasure of the Sierra Madre*, the blind people would have known that their predicament was not unique. They had pointed out the treasure lode, but they were bowled over by claim-jumpers who rushed in to grab a share. If the blind vendor had never set up shop, federal employees might not have recognized the lucrative potential of vending machines. But with the vendors' example before them, the employees just couldn't resist.

The coalition that formed to edge out the vendors was made up of federal workers and their union representatives, the supervisors who dealt with the employees and liked to avoid conflicts, and the enthusiasts of dancing clubs and sports leagues. The workers were attracted not only by the size of the jackpot (each vendor they could eliminate represented a potential $6,000), but by its delightful freedom from strings. Since the vending-machine funds would be classified as "non-appropriated" money, the General Accounting Office (GAO) would not be able to check on their use.

Esprit de Corps

The civil servants' quick grasp of the non-appropriated funds' potential was a happy legacy of our military traditions. Many of the bureaucrats had spent time in the Army, where they observed the wondrous workings of the PXs and Officers' Clubs. These operations were bathed in the fertile broth of non-appropriated funds, and they spawned a whole system of personal enrichment, hidden luxury expenses, and good-natured graft. The system was always defended as "necessary to boost morale," and the bureaucrats were ready to apply the same uplift to the home front.

Still, the bureaucrats faced a few obstacles. One was that they had no

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right to the money from the machines. When vending machines are put into a federal building, their take legally belongs to the building's owners—the U. S. government and the taxpayers. The Comptroller General made this clear in 1952, when he said, "funds derived from the installation and operation of vending machines on government-owned or controlled property are required to be deposited into the Treasury of the United States."

Moreover, installing the vending machines over the dismantled stands of blind vendors would mean stopping a successful, long-running program which still had congressional support.

The blind might well have deemed themselves safe behind such obstacles. If the Executive departments would not intervene, slapping down their employees for taking public money, then Congress would surely rally to take care of its blind constituents. None of this worried the civil servants. They knew what they had on their side.

One advantage was the nature of their enemy. Blindness understandably produces few rebellious or demanding personalities. So, when the vendors were squeezed out, not many complained. In this they were like other silent punching bags of the federal bureaucracy—the elderly, for example—who learn not to make noise. Now and then a story appeared in the press, or an occasional vendor wrote to Senator Randolph. But that was all. For their part, the bureaucrats avoided qualms by viewing the vendors not as handicapped human beings, but as obstacles to their cut-rate theatre tickets and office parties.

The most troublesome obstacle—the raw illegality of what they were doing—was mastered only by the employees' bone-deep instinct for the way government works. If there is one cause that the government will predictably concede, it is the fight to save federal money. Knowing this, the employees could ignore the Comptroller General's tedious reminders that the vending-machine money belonged to the public. A few of the duller, less experienced employee groups actually asked permission to use the funds, and were of course turned down. This taught them a lesson: they stopped asking. Eventually this live-and-let-live spirit infected even the Comptroller General, who gave up his complaints as "useless and ineffectual."*

With the blind submitting and the GAO giving up, the employees settled down to consolidate their gains. They set up straight business fronts, calling themselves "corporations" and filing non-profit corporation income-tax returns. The returns are on file at the Internal Revenue Service, and they reveal some interesting figures. In 1970, for example, the Department of Agriculture's employees' association in Washington had gross receipts of $1,863,980.99, and the State Department group took in $810,959.00. The regional offices followed the Washington example: at an FAA installation in Oklahoma City, the employees reported $133,896.58 for 1970.

Depending on how you look at it, this money comes either from the taxpayers' pockets or from the blind vendors'. Since the blind were there before the vending machines, they have suffered the most immediate harm. In the last 15 years, while governments have laid concrete and marble onto the earth at an unprecedented rate, the number of blind vendor stands has at best held constant. For each new stand that has opened another has closed because of rigged competition or poor location. A sharper measure of the problem is the waiting list of blind people eager to run stands. There are now four to

*Even law-enforcement agencies took the same light-hearted attitude to the GAO rules. In 1952 the FBI Recreation Association wrote the Comptroller General asking whether it could use vending-machine money. He replied no, saying that the money was "required to be deposited into the Treasury of the United States." The ruling was never questioned, but neither was it enforced. In 1970, while J. Edgar Hoover was still in charge, the FBI took in $58,971.02 from the machines.

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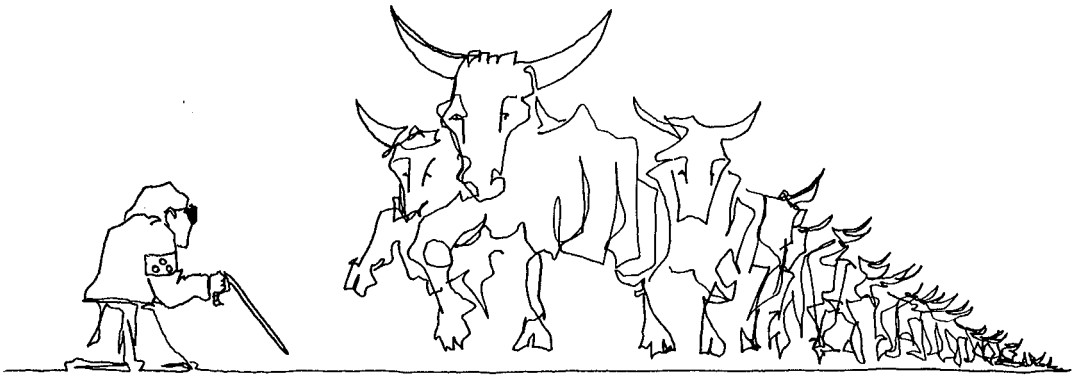

five thousand of them, waiting for vending locations that have been preempted by machines.

Help on the Hill

In classic 11th-hour fashion, Congress seemed ready to come to the vendors' rescue in 1970. And, in more classic congressional fashion, they failed to come through. Ready to pick up the blind people's cause in Congress were two quite different men: Jennings Randolph, now chairman of the Senate subcommittee on handicapped workers, and his House counterpart, Congressman John Brademas of Indiana. The two are a study in contrasts.

A stout, 70-year-old Southern gentleman, Randolph came to the Senate in 1958 and chairs the Public Works Committee. Formerly a small-town newspaper editor and an orator of local renown, Randolph is still an old-fashioned, spellbinding platform speaker—one of the best practitioners of that vanishing art left in the Senate.

There is speculation that Randolph is more than he seems—speculation fueled by his comments at the funeral home the night Drew Pearson died. Since this was a day of general rejoicing on Capitol Hill, Randolph's presence surprised the assembled mourners, who stared in amazement when he said in his sonorous voice, "I have lost a dear friend."

Representatives of the blind had long relied on Randolph's support, ever since the Lions Club days. But would this traditional old political survivor provoke the anger of millions of organized government workers merely to defend a few thousand blind people? Maybe Brademas would be a better hope.

Young, handsome, brilliant, John Brademas is Super-congressman. A magna cum laude, Phi Beta Kappa graduate of Harvard, and a Rhodes scholar, he left his job as professor of political science at Notre Dame to serve as Adlai Stevenson's executive assistant in the 1956 campaign. Soon thereafter he came to the House, where he was known not just as a posturing liberal, but as an effective legislator.

But it was Randolph who made the first move. Increasing complaints from the vendors, pleas from the national blind people's groups, and the alarming statistics convinced him that he had to do something to keep his program from being wrecked. His answer was to introduce a bill to hamstring the bureaucrats. It required that any vending-machine profit that didn't go straight to the Treasury would have to be spent for the Blind Vendors' Program.

Randolph held hearings on the bill in June, 1970. After listening to testimony from the blind men and finding no spokesmen for the other side, Randolph guided the bill through the committee and the full Senate. It passed on September 28 without opposition or debate, and moved to the House. There, Brademas found

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things slightly more complicated. Randolph had caught the bureaucrats napping, and they weren't about to make the same mistake in the House. At hearings in December, 1970, the virulent response by the employee associations startled Brademas ("There must be some real money involved here," he said, getting the picture. "I haven't seen people get so excited about anything of this sort.") and slowed down the bill.

The most fascinating part of Brademas' hearings was the display bureaucrats made of their oft-frustrated ingenuity. They defended their vending-machine racket with tactics ranging from melodrama to bare-knuckled threats.

Government employees make up a bloc which dwarfs the Jews, the farm vote, assorted minorities, and other traditional groups. Federal employees, with their families and retired comrades, constitute a disciplined force of nine million voters. State, county, and municipal employees add up to 13 million more, without even counting their relatives. Each witness made it a point to remind Brademas of this.

The bureaucrats also demonstrated their logical legerdemain in giving economic and moral justifications for vending machines. The unstated economic reasons center on savings for the unions: because the recreational favors are financed by union dues in private industry, the vending machines have helped government unions keep their dues quite low. The American Postal Workers and the American Federation of Government Employees charge their members about $20 each year—compared to $72 for the Retail Clerks and $103 for the United Auto Workers. (Grateful government employees have shown their thanks by voting generous salaries and expense accounts to their leaders. John Griner of the American Federation of Government Employees made $77,237 in 1970.)

The union men also offered creative reasoning to show that their use of the money was legal. How so? Because it had gone on for a long time; because it raised morale; because government employees have been underpaid in the past; and because the employees are the ones who put their dimes into the machines in the first place. This Marxian logic intrigued Brademas and made him comment that although he was a patron of the House Restaurant, he did not feel entitled to a share of the profits.

Sinful and Unfair

The hearings ended in confusion, amid an organized avalanche of letters from employees. These letters provide a disquieting comment on what years in the civil service do to powers of reasoning and compassion.

A postal employee in Erie, Pennsylvania, wrote:

> It is sinful to deprive the employees and their families of these funds.

From an Indiana civil servant:

> We are solidly against passage of this bill which would kill free enterprise and completely stop our welfare funds.

From a group of workers in Salem, Oregon:

> If this money is taken from us, it would mean taking a collection on the work room floor every time the need arises and needless to say, people do get tired of continually making donations.

From a California postal clerk:

> In Los Angeles we were able to give a check in the amount of $5.05 to each and every employee just before Thanksgiving last week. That would buy a turkey for the Holiday.

From a group of employees in Minneapolis:

> Vending machines are the sole revenue for our welfare fund, which provides among other things, scholarships, flowers and visitation for the sick, lounge facilities, sports programs, recreational equipment, social events such as the post office picnic and employee recognition. We do not deny the blind are a worthy group but believe it grossly unfair to rob one group of their rights to benefit another.

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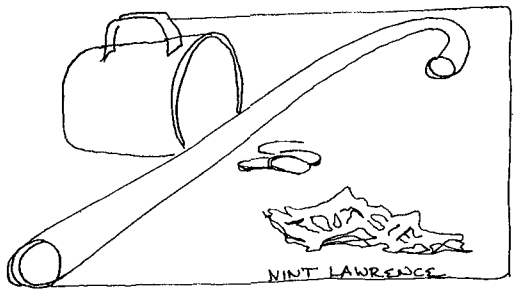
Given their choice, most politicians would stay miles away from claims like this. But such is the power of the unions that they extracted testimonial letters from several congressmen. One, from California's Richard Hannah, said that the bill "strikes me as being grossly unfair to those non-blind persons now in possession of such concessions and dependent on the income so derived."

The unions' mail campaign and pressure destroyed any chance of moving the bill through the House. Brademas never pushed it through the committee, and it died with the session.

Randolph was more tenacious, however, and he introduced the same bill when the new Congress began. His hearings, from September to December, 1971, were much the same old show, with a few new highlights:

- After Randolph asked Francis Filbey, president of the Postal Workers, whether the program was legal, Filbey said, "I have some doubts in my mind concerning the legality .... I do not necessarily cherish or appreciate the fact that I have to be here today and make this kind of testimony."
- Randolph treated himself to a burst of stump oratory on behalf of the vendors, pointing out that they have none of the benefits that cushion the bureaucrats—no pensions, no vacations, no insurance, no sick leave. When a vendor is sick, he must find someone to run the stand and pay him from his own pocket.
- In perhaps his most remarkable achievement, Randolph produced one federal employee, Vincent Connery of the National Association of Internal Revenue Employees, to defend the blind vendors. "To talk about scholarship funds or flu shots or whatever and deprive people who suffer severe disability from employment is just abominable in my judgment," he said.

After a time, it began to look like Randolph and Connery against the world. Randolph was ready to move



the bill through the Senate once more, but Brademas sent over warnings early in 1972 that his committee "could not touch the bill in an election year" because of "too much political pressure."

Brademas' formal explanation is that "we are still trying to obtain accurate information on just how much revenue we are talking about. We can't pre-judge the situation." It has, after all, been two years since Brademas asked for the figures. A staff member gave a more plausible explanation for the delay:

> The pressure was terrible. Nobody over here can stand up to the government unions and open this can of worms. Randolph could do it. We just can't do that over here in the House.... Our members have tough races every two years. But Randolph could run against Jesus Christ in West Virginia and beat him.

Randolph has moved ahead gingerly without Brademas. He raised the storm flag by asking the GAO to audit all concessions on federal property, but he knows the associations will not willingly turn their records over. If they refuse? "If they don't give me the information, why I'll use the... subpoena." That is still a long way off, and Randolph has spent his career avoiding such extreme acts. For the time being, the bureaucrats' lobbying has won. Two years after Randolph first introduced his bill, nothing has changed. The blind vendors are slowly losing income and a bona fide Endangered Species—an effective government program—is being wiped out.

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Changing in Their Cocoons

This story would be literally unbelievable were it not for the special bureaucratic setting that produced it. Ever since Thomas Jefferson lamented of public employees, "Few die and none resign," Americans have collected a sizeable list of grievances against bureaucracies: they are wasteful, slow, lazy, inefficient, unimaginative. But most of the critics have taken Jefferson's half-amused tone, as if speaking of a mischievous or clumsy child. Whatever harm the bureaucracy does is usually excused as the unfortunate side effect of well-intentioned bumbling. Despite the blemishes, the civil service and its employees are still assumed to have some concern with the public interest.

The blind vendor case makes that assumption seem fanciful. Here the citizen may gape in amazement as a bureaucracy evolves from a small, paper-shuffling outfit into an enormous, organized force, moving with irresistible momentum to divert money into its own pockets and to resist all threats of control. How could this happen?

As individuals, civil servants are rarely monsters or menaces. They are average men and women, devoted to family and community; they have interests, passions, hobbies, even sensitivities. But when they organize into the mass known as The Bureaucracy, a frightening change takes place. They work in large, dreary cocoons where pettiness, boredom, and confusion predominate. Few visible results emerge from their work. They face little reward for achievement and little punishment for sloth. Inevitably, the civil servant discovers that whatever creativity or enthusiasm he brought to the job is withering away.

As long as he remains in the job, the bureaucrat faces strange, divided loyalties. Privately he may have bitter words for the sterile life of government service, but in public he can only resent his profession's notoriety as the butt of political rhetoric. Bristling at public resentment, disappointed by the vacuum of his own work, he elevates the importance of the only rewards he has: his comfortable salary and generous benefits. These are his only badges of honor. When politicians, press, and the public ridicule these badges or try to take them away, the bureaucrat becomes even more defensive and suspicious. At heart, the problem is the same one I. F. Stone pointed out: "More important than evil men is the tremendous power of corrupting institutions that trap ordinary men."

Latest census figures show that one out of seven American workers is a government employee. Without overdramatizing, there may be a chilling harbinger for the public at large in the bureaucrats' treatment of the blind vendors. Consider the indications: the public work force grows steadily in size, through recession and boom, as though directed by some inner force; the Brookings Institution has reported that government wages have been rising faster than general wages for several years now; vacation and sick-leave schemes provide for many weeks of annual leave, which the employees often sell back to the government for more money; loosely administered funds pay cash rewards for "excellent" service to ridiculously large numbers of employees. It is easy to understand why the suburban counties next to the Nation's Capitol—Montgomery and Fairfax—are the top two names on the list of the country's richest 50 counties. The government unions are already an awesome political force, and they are trying to become more so by getting the Hatch Act repealed and thereby turning every federal office into a potential political headquarters.

If there is a Christmas moral in this tale of government employees taking pennies from the blind, it may be that the bureaucrats' self-absorption is even more dangerous than Scrooge's, since there seems to be no one to play the role of Marley's ghost and confront them. ■

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Fair Employment: The Machinery Continues to Rust

by Timothy H. Ingram

Black people didn't really disappear during this latest election campaign. It just seemed that way because they played a different role than the one we'd grown accustomed to over the past dozen years. Instead of civil rights and discrimination, the new issues were busing, quotas, and "reverse discrimination." To hear Richard Nixon tell it, quotas had become a more imminent danger to the body politic than racism itself. "Dividing America into quotas is totally alien to the American tradition," he said. "The way to end discrimination against some is not to begin discrimination against others."

The spectre this called up was that of the "New Unemployables"—the white males who must watch with faces pressed against the glass as blacks and women troop in to take their jobs. No better symbol was available for this plight than Averell Harriman, who could not even get a seat at the Democratic convention because he did not fit the ethnic recipe the rule books demanded. Using that convention as a warning of what the quota system might do to America, Nixon and his surrogates played deftly on fears they helped create.

Admittedly, the time may someday come when the country must wrestle with the hardest questions of quotas and discrimination. Employment, unlike schools or neighborhoods, is a finite pie, and if one group is to have a bigger piece, someone else will have to do with less. Will minimum quotas for some people (blacks or women) mean ceilings for others

Timothy Ingram is a Washington writer. Initial research was provided by Gloria Borger, a student at Colgate University.

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(WASPs and Jews)? Is it fair to exclude more qualified people, simply because they don't fit the racial mix? How can the racial balance be changed in times of tight job markets? Is discrimination any more palatable when applied against whites than it is when directed against blacks?

But the time when these worries should make the government put the brakes on its fair-hiring programs is not here yet, no matter what nightmares the political speeches inspired. Far from ramming unskilled black/women/Chicanos into the nation's bluechip industries, the government's hiring programs have been plagued with more familiar problems: a marshmallow-soft touch in dealing with private industries, a rare delicacy in upsetting existing practices, and a refusal to use the few effective tools at the government's disposal. The result has been not reverse-discrimination, but good, old-fashioned, normal discrimination.

In April, 1969, *The Washington Monthly* published a study of the government's elaborate contract compliance machinery, which monitors the fair-hiring practices of every company awarded a federal contract. The findings were disheartening: rust was collecting from disuse. We decided it was about time to check again after all the furor about quotas to see if things had geared up. Results:

- The Office of Federal Contract Compliance (OFCC)—heavy artillery of the government's fair-hiring program—has so far blacklisted exactly three companies for discriminating. All three are tiny enterprises of dubious importance. The 225,000 other plants that hold federal contracts continue to collect their subsidies.
- In its one major test case of anti-discrimination enforcement, the OFCC collapsed, letting Bethlehem Steel walk away the winner.
- Varying standards among government agencies have allowed companies to shop around for the most convenient fair-hiring terms. This has meant, for example, initial approval of an AT&T plan to allot one out of every 1,000 craft positions to women next year.

It Looks Good, But. . . .

On paper, the "affirmative-action" hiring program for government contractors looks as if it has a chance of fighting discrimination. Under Executive Order 11246, to be eligible for procurement and service contracts with the government, a company must not only refrain from intentional discrimination, but must take affirmative steps to hire and promote minorities —setting up timetables for bringing in women, blacks, Chicanos, Puerto Ricans, and other minority groups to yield a balanced labor force. These plans must be filed with, and reviewed by, the various agencies which let contracts; and the whole system is supervised—in some undefined manner—by the Labor Department's Office of Federal Contract Compliance.

The teeth of the program is akin to the Department of Health, Education, and Welfare's fund-cutoff authority, the power to withhold monies from school districts that discriminate. If a contractor does not submit an acceptable plan, or fails to meet his goals, a "show cause" or warning order may be issued; he must prove he has made a "good faith effort" to comply, or face the grim prospect that his government contracts and future bidding rights will be cut off.

Since federal agencies buy just about everything from Wheaties to telephone service to post office buildings, a full third of the nation's labor force is hired by businesses holding federal contracts of one sort or another. A threat to cut off these lucrative droppings because of discriminatory labor practices could be more persuasive than any court order, posing as it does possible devastation of a corporation's economic future.

For example, the Defense Department could single-handedly eliminate sexual and racial job inequities if it wanted to. DOD controls $40 billion

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in procurement contracts, about 80 per cent of all government buying. The reason it hasn't ended discrimination is that the Pentagon tries to coax compliance, essentially relying on corporate noblesse oblige rather than trying to bludgeon cooperation, using the full sanctions at its disposal. While the Pentagon canceled over 6,500 contracts between 1964 and 1971 for failing to live up to quality specifications, it did not kill a single contract because of broken fair-hiring promises. A top Defense compliance officer offered this logic: "We're not in the business of terminating contracts. Our purpose is to educate and help companies set affirmative-action programs. If we cut contracts, that would actually hurt minorities, because they're the ones who need the jobs most."

As any student of Henry Kissinger knows, a credible deterrence requires some glimpse of the ultimate terror, an occasional hauling to the edge of the cliff. Most compliance specialists view the denial of federal contracts to discriminating companies as "overkill." "It's like the H-bomb; it's just too powerful to use." That's the favorite characterization given by a number of civil rights enforcement officials to what they term "the ultimate sanction"—cancellation.

Undersecretary of Labor Laurence Silberman, responding to Senate Labor Committee questioning last year, assured the senators: "I want to hasten to say that our program is not enforcement-minded. The idea is that we have such tremendous sanctions that every time we go to use them, the contractor falls into compliance."

In late September, 1972—following the protests of civil rights groups that the Nixon order to eliminate quotas was a code signal to go slow—newspaper headlines announced that the Department of Housing and Urban Development had barred a Philadelphia plumbing subcontractor from further federally-funded construction work. The Labor Department placed the firm, Russell Associates, Inc., on its ineligible list, and proclaimed the action "a strong example of the manner in which federal agencies are carrying out the provisions of the Philadelphia Plan [a quota-hiring plan] and similar hometown and imposed plans throughout the country." Bernard Peltz of Russell Associates groused that his company was never informed by the master contractor about the hiring goals with which he had allegedly failed to comply. Further, Peltz complained that had the one minority member of his eight-man crew shown up for work, his "quota" would have been filled, and he wouldn't have been barred.

A Short List

What the news accounts neglected to mention was that Labor's list of banned contractors consisted of only two other firms: Edgeley Air Products and Randeb, Inc., both small outfits like Russell (under the Philadelphia Plan). That is, only three concerns out of the more than 225,000 contractors, facilities, and sites receiving government largesse have been found discriminatory and, as a result, have been banned. All others—GM, Standard Oil, Lockheed, Southern textile mills—may advertise that they are Equal Opportunity Employers.

Another potentially effective weapon at the disposal of government contract-compliance offices is publicizing which companies are obeying the law and which are not. The Executive Order spells out this sanction. Public identification of non-complying firms could aid many civil rights groups, perhaps leading toward boycotts and other pressures. But many government agencies won't disclose details on the hiring practices of particular corporations the agency has reviewed. With compliance offices thus aiding and abetting corporate secretiveness, it becomes impossible to evaluate either the companies' or the agencies' enforcement efforts.

Take the Treasury Department. Its compliance section has responsibility for all commercial banks. The Depart-

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ment can deny a non-complying bank its status as a federal contractor; that bank could no longer collect taxes, be a repository for federal funds, sell or cash bonds. Treasury has never invoked this procedure against a major bank, although four small banks decided to reject federal business eight years ago when told the alternative was integration.

A recent year-long study of 18 banks in six metropolitan areas by the privately-funded Council on Economic Priorities (CEP) concluded that minorities and women are relegated to low-level teller and credit jobs. It found that in its sample, less than eight per cent of minority employees have jobs above clerical and office positions, compared to 58 per cent of the white male workers.

When CEP researchers asked David Gottlieb, a program specialist in Treasury's compliance section, how Treasury judges whether a bank is in compliance, he told them: "We generally take a bank at its word." Gottlieb said that the Department has found as many as 17 deficiencies at a single bank, but admitted difficulty in checking up on the banks. "They tell me they're doing X, Y, Z," he said. "How do I know they're telling me the truth?" He added that the Department doesn't maintain records on banks which are not in compliance because, "there just aren't that many."

David Sawyer, director of the Equal Opportunity Program at Treasury, says that compliance reviews and affirmative-action plans are not public documents: "They contain information that might be considered proprietary. For example, they contain the salaries of all employees, and I don't think they want David Rockefeller's salary made public."

Bethlehem: The Big Test

"They're bullshitting us. The Labor Department, the Equal Employment Opportunity Commission, they comes down and talks to us, but they don't do a damn thing. They find the company in violation of civil rights laws, and then they don't move. The government is just unwilling to deal with the problem. Wirtz [Secretary of Labor under Lyndon Johnson] said we'd been discriminated against so many years he only wished we'd brought a complaint before *his* administration was in office. He didn't want to handle it—and neither did Shultz or Hodgson, Nixon's men."

That's black steelworker Johnny Fair's assessment of federal equal-employment enforcement. The 40-year-old Fair is a mechanical helper and union grievance committeeman at the Bethlehem Steel plant at Sparrows Point, Maryland, about 10 miles outside Baltimore. He has reason to be cynical. First hired by Bethlehem in 1955, he was assigned to an all-black labor unit in the acid plant, making sulphuric acid in the coke ovens department. Eighty per cent of the blacks at the mill are still segregated in black or predominantly black departments, in the hottest, dirtiest jobs—in the ovens, the blast furnaces, the laboring units at the open hearth. The company's seniority system has the effect of locking these workers into the dead-end jobs they were initially forced into five, ten, and even twenty years ago. If they attempt to advance into one of the better units now integrated and open to them, they lose their seniority and risk being bumped in any subsequent cutback. So many stay frozen where they are.

In 1968, the Labor Department's compliance office threatened to cancel Bethlehem's $250-million of government contracts unless Bethlehem scrapped alleged discriminatory policies and revamped its seniority system.

From the start, the move against the giant steel concern was plagued by the Labor Department's own clumsiness. The panel set up to hear the case took almost two years to reach a decision. The three-man panel could never get together more than one or two days a month. Ultimately, Spar-

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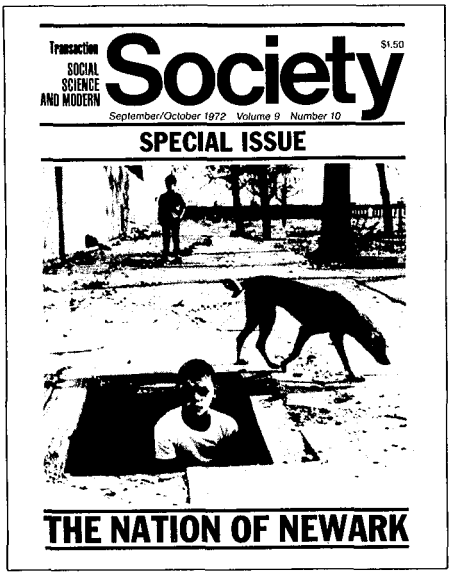

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rows Point was found to be not in compliance with federal anti-bias regulations. A recommendation calling for a limited interim plan was sent to Labor Secretary James Hodgson for his approval. An aide to Secretary Hodgson announced that he expected a relatively rapid decision, since the case against Bethlehem had been "dragging on" for several years. That was Christmas, 1970. The case has been sitting on Hodgson's desk ever since.

Even Labor Department officials find it hard to take civil rights sanctions seriously after the Bethlehem cave-in. It was blatantly political. Hodgson had numerous face-saving options. He could have given the company another 30 days to improve, or face debarment. Or, he could have either approved the less vigorous panel plan (already agreed to by Bethlehem) or overruled the panel, finding no evidence of discrimination—in either case, at least clearing the way for individual workers or the Justice Department to take their cases to the courts.

But there was an additional item. Bethlehem's principal witness during the hearing was its assistant manager of industrial relations, Richard F. Schubert. In 1971, while the recommendation was still on Hodgson's desk, Hodgson named Schubert his executive assistant, and later Solicitor of the Department. Even though Schubert may be insulated from the Bethlehem case, the choice of a man with such potentially conflicting interests can only underscore Hodgson's moral and legal insensitivity to the issue.

The five-year effort to use contract cancellation to compel an end to Bethlehem policies that allegedly perpetuated racism sums up both the potential and the ultimate failure of federal contract compliance. Bethlehem was not just one disaster following a string of victories; Bethlehem has been the *only* major industrial company to be taken to the mat by Labor through the hearing process. The case was to have been *the* test case of the government's mettle. The steel firm has simply gotten up and walked away, leaving Labor to wrestle with itself. Companies waiting in the wings must have enjoyed the show.

Whipsaw

It would be one thing if the compliance agencies were just another group of malfunctioning and sputtering bureaucracies. But in a number of instances they threaten to undercut the meager advances made by other civil rights cops, particularly the Equal Employment Opportunity Commission, and its suits under Title VII of the 1964 Civil Rights Act.

The affirmative-action plans approved by contract-compliance specialists are often weaker than those the EEOC or a plaintiff in a suit could achieve in court with Title VII. This naturally tempts companies to shop around for the most attractive deal from the government and play one agency off against the other.

Washington attorney Thompson Powers, who has represented a number of corporations in fair-employment suits, complains that there is often a rivalry between field staff members of the EEOC and federal procurement officers. Conceivably, this might lead to even stricter re-

Answers to November puzzle:

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R	O	A	S	T		C		E		S	E	N	A	T
	R		T		R	E	A	R	S		M		T	
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quirements, as the agencies compete with each other. In fact, it has more often worked to the companies' advantage. The AT&T case is a good example of this "whipsaw" effect:

"The Bell monolith is, without doubt, the largest oppressor of women workers in the United States." This is the thrust of over 17,000 pages of testimony already filed by EEOC attorneys before a special Federal Communications Commission (FCC) hearing. Since January, 1971, the EEOC has been pressing its case against the communications giant, arguing that the FCC should turn down any rate hike requested by AT&T because of the company's alleged pervasive racist and sexist job discrimination.

Segregation-by-sex is virtually complete within the system. The 400,000 women who work for the Bell System are either telephone operators, representatives, or clerical workers. Virtually none have filtered into the higher-paying craft jobs (phone installers, line workers, cable splicers).

A Woman's Place is in the Nunnery

This is no accident, for AT&T has a dual hiring system. Men and women are funneled through separate employment offices, take separate batteries of tests, have segregated job interviews, and meet different hiring standards. Women with low skills, for example, are recruited with special vigor, on the theory that they are better suited for some of the operator-type positions. Bell advertisements have so identified operators as women that it is hard for the public to imagine a man in the job. Ninety-nine per cent of the operators are women, and the department is aptly dubbed a "nunnery" by Bell officials.

In the managerial positions, one third of the jobs are held by women. This is not quite what it appears, however, for nearly all the women managers (94 per cent) are stuck at the lowest managerial level. In the higher positions, only 31 of the 2,650 managers were women in 1971.

Early this year, while the Equal Employment Opportunity Commission was presenting its case downtown before the FCC, Bell System executives decided to draw up a company-wide minorities plan and sell it to compliance officers at the Government Services Administration (GSA), the federal purchasing agency. John J. Brosnahan, GSA's contract-compliance director, says, "AT&T called and asked us, 'Can we sit down and develop a model—a guide—that the system can use in all its operating companies?' "

According to Equal Employment Opportunity Commission staff members, an insider at GSA called and tipped them that Bell had presented a proposed action plan to GSA and was jockeying for approval. The same Equal Employment sources claim they had been kept in the dark about the negotiations and that when they had previously asked the phone company for copies of the action plan they were reportedly told, "It's not finished yet." David Copus, who heads the "AT&T task force" at EEOC, flew to New York to Bell System headquarters to personally and unexpectedly ask for the plan after learning of its existence. He was told it wasn't available.

Going Slowly

One of the key points of dispute in the AT&T affirmative-action proposal was the hiring goal for women as installers and line workers. Even if the company hired only women, and not a single male, to fill openings in the plant department over the next 15 months, women would still total less than one per cent of the employees in these craft jobs. GSA compliance director John Brosnahan argued that at least 38 per cent of the new employees should be women (since women make up 40 per cent of the national work force). Bell's plan aimed at a three-percent intake of women. A 10-percent compromise

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goal was set, which would yield a one-tenth of one per cent female total in craft jobs.

A second major item was whether back pay should be given for wages lost as a result of denying access to better salaried positions. The phone company hung up on claims that women as a group were discriminated against, and refused to provide any back pay.

The Byzantine politics became more complex this fall, as the Labor Department's contract-compliance office announced it was assuming jurisdiction of the AT&T case on September 28, and would decide whether to approve the plan, reject it, or hold more hearings after the election in November. Asked whether the take-over meant AT&T should defer implementation of the plan, a Labor spokesman said: "What they do is at their own peril."

The attitudes the government brought with it to the AT&T bargaining table may have influenced the deal it got. Contract-compliance officers often say they are in a stronger position than other civil rights enforcers since they do not have to amass definite legal proof that a company discriminates. They can require affirmative-action programs even if they can't prove obvious bias. Unfortunately, this legal edge has had a perverse effect: since the officers don't have to prove a case, they often fail to gather any of the evidence at all. So, when they sit down to bargain, they are more likely to succumb to the company's explanations. In the AT&T case, Brosnahan didn't bother to look at hiring data the EEOC had collected during the last two and a half years. When AT&T started denying that women were discriminated against as a class, Brosnahan didn't have much to say in reply.

Further, many of the officers have, at best, a vague notion of what the law requires. "It's not my job to enforce Title VII of the Civil Rights Act," one beleaguered compliance specialist snapped. Not only do the nuances of recent court decisions escape these men, but the effects of a "neutral" hiring policy—which perpetuates past discrimination—seem too fine for them to detect.

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The Professor As Hardhat

The compliance effort subjected to the greatest attack has been one of the few aggressive programs: HEW's demand that colleges open their academic, administrative, and clerical staffs to more women, blacks, and other minorities. Over the past year, HEW has temporarily suspended some $23 million in federal research grants to 14 major universities, including Columbia and Michigan, for lack of cooperation.

The program was open, initially at least, to attacks of arbitrariness. HEW's Office of Civil Rights appeared insensitive to the differences between universities and the construction industry and seemed to be applying wholesale to faculty members the same standards it used for hard-hats under the Philadelphia Plan. The

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assumption apparently was that qualified candidates would be equally available, whether they were carpenters or physics professors. The burden was placed on the universities to put together attractive compliance reports and propose hiring goals. Funds were withheld, not after a hearing and a finding of discrimination had been made, but because colleges had failed to come up with adequate plans. When forced to clarify their hiring goals, the schools found the distinction between "goal" and "imposed quota" a fine one.

HEW simply had not counted on the resistance and hostility it encountered from the universities, however. Colleges refused to open sacrosanct candidate-evaluation files to federal evaluators wanting to check hiring standards. Most universities had no equal-opportunity coordinators, and had assigned the task to committees of history or political science teachers who had little experience in minority recruitment. Some university presidents seriously suggested the government should *pay* the schools the cost of evaluating their minority programs.

HEW was trying to advance into new enforcement waters. Should, for example, schools be compelled to hire not "qualified" candidates, but those "qualifiable?" Might they, for instance, hire a black biologist with a master's, rather than a white Ph.D., and train the black in a doctoral program as he teaches? HEW was alone, and pushing. It received no backing from civil rights groups, exhausted from the busing contest, and no support from other compliance agencies. University professors, with ready access to the media, started writing and complaining. The result was Nixon's August 17 announcement of a campaign to end quotas.

Quotas or Not?

The campus contest illustrates some of the pragmatic and philosophical quarrels over quotas. Compliance officials deny they are applying quotas, and use words like "goals" and "timetables." They say these are not absolute quotas, because the employer can show extenuating circumstances ("good faith") when the "goals" are not met, and because the percentage of minority workers in the population is not the only factor considered in setting goals.

That's not completely honest. Quotas, in Nixon's pejorative sense, are not being applied—an employer is not required to haul just any woman or black or Chicano off the street to fill his rainbow of jobbers. What affirmative action means, instead, is this: with a 10-percent minority goal, 10 job openings, and 20 candidates, when it comes down to the last position to be filled and no minoritiy person has been hired, with all else equal, a preference will be given to the minority applicant. And, if abuses occur, the campus crusade is proof enough that whites have more means to protect themselves than blacks, with access to media, public opinion, and government review.

The line between goals and quotas is fine, and easy to overstep. Quotas are simpler to administer—one merely looks at the numbers. Goals are subtler, but achieve the same result if properly used. The snarl is that civil rights enforcement is an area where nuances and signals are everything—and one can only wonder whether this Administration can appreciate those subtleties.

The heart of Nixon's pitch is the idea that "quotas are anti-ability whenever applied." Underlying this is the glib assumption that hiring and promotion are now based on merit, and so must remain untouched by meddlesome government-types. But word-of-mouth recruiting, nepotism, who-you-know, and evaluation of character, stability, and ability to relate are criteria which have worked against blacks and women for years, and still do. By comparison, the dangers of reverse-discrimination are not yet too frightening. ■

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Whizzer White and the Fearsome Foursome

by Robert Zelnick

As if to give a sign of what Nixon's first term has meant to jurisprudence and to hint what the next four years might bring, the Supreme Court ended its 1971-72 term last June with five major decisions involving the right to speak and the right to hear:

- The Branzburg, Pappas, and Caldwell cases, three of the most important First Amendment cases of recent years, which declared that reporters must either reveal their confidential sources to grand juries during investigations or go to jail;
- *Lloyd Corporation v Tanner*, which allowed the owners of giant shopping centers to keep political campaigners off their premises;
- *Laird v Tatum*, which refused to curb the Pentagon's snooping activities against anti-war activists;
- *Gravel v U. S.*, one of several "Pentagon Papers" cases, in which the Court rejected the proposition that Senator Gravel should be no more subject for questioning about publishing the Pentagon Papers in book form than he would be for reading them in the halls of Congress;
- *Mandel v Kleindienst*, which upheld the Justice Department's decision banning a Marxist scholar from entering the country to speak to an academic group.

Apart from their various constitutional implications, these five decisions made clear a change that had been suspected ever since the eldest of the Warren Court holdovers, Hugo Black, died last year. In each of the cases, Nixon's four appointees—Justices Harry Blackmun, William Rehnquist, Lewis Powell, and Chief Justice Warren Burger—stuck together, choosing government rights over the individual's, protecting property rights against protestors. It is easy to imagine Nixon thinking of them as his Fearsome Foursome, mowing down the opposition of weak knees and bleeding hearts on the way to the goal line. (Last year they voted together 54

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out of 67 times.) Starting against them were the four holdovers from the pre-Nixon Court: Justices William O. Douglas, William Brennan, Thurgood Marshall, and Potter Stewart. In four of the five cases they voted together, Stewart defecting to the other team in the Mandel case.

Between these two teams stood the ninth Justice, Byron Raymond "Whizzer" White, finishing his 10th year on the bench since his appointment by John Kennedy. With the new balance of Supreme Court power, White has become the "swing" man. By casting his vote with one side or the other, he can make a 5-4 majority. In these five cases, White was on the winning side every time, and his was the decisive vote in all but the 6-3 Mandel decision.

Ripe for Analysis

After years of uncelebrated service on the Warren Court, White has stepped up for his turn in the spotlight. His importance is clear: if the Court's balance of power stays the same for the next four years (that is, if the four holdovers outlive the Nixon Administration), White will continue to be the swing man, the barometer of the Court's direction and performance. Since last June, the time has been ripe for analyzing White. *The New York Times Sunday Magazine* came through last October 8 with a piece by Lance Liebman, a former law clerk to White and now an associate professor at Harvard Law School. White believes, according to Liebman, that "the country is strong and beautiful, that its people are good, and that the defects and weaknesses they do exhibit will not easily be cured by shimmering phrases coined on a judicial typewriter." This is fine, but not much help in predicting how the Court will deal with criminal rights cases, or what it thinks about newspaper reporters and their secret sources. Again, Liebman tells us of White's belief that "one job of government is to create and preserve an open market—for goods, but also for ideas and people," and that the Supreme Court can help this along by "applying a Constitution that does not answer most of today's questions, but should be interpreted and applied with common sense and good judgment by fallible judges." This, too, will do for a civics class, but has limited application to political-protest cases or other complicated conflicts.

Secret Messages

Liebman's vagueness is probably deliberate. The reason, I suspect, may be traced to the enduring Justice-clerk relationship. The clerk—even when long past working for his patron—continues trying to con the Justice into thinking the clerk's thoughts are his own. Part of the con is writing about what he knows White would like to hear in order to get the Justice in the habit of nodding affirmatively. The clerk can then slip a little of his own gospel in when the nodding has become automatic. Knowing White's respect for tough-mindedness, Liebman butters him up. Don't be fooled, he says, into thinking that White has no ideas or theories; it's just that he is not as dreamy about them as moist-eyes like William Douglas. With his tough, bear-trap mind, White refuses to use inflated theories as camouflage for decisions that are really based on common sense or horse-trading. This Liebman calls a "dislike for formulations that screen the fact that the Court is acting pragmatically," and says it invokes "a process of decision that is open, complicated, personal, individual." What standards does this tough thinker apply? They are, Liebman says, not only the "clarity of the constitutional issue," but also "the importance of the alternative that is proposed, the direction and strength of public feeling, the likely real-world outcome five years into the future." What is this if not the idealism-without-illusion of the old Kennedy years?

This view of the Supreme Court is

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unsatisfying because it overlooks the existence of the Bill of Rights, among other things. Moreover, it misinterprets the complaint against White. What people fear is not that White has no theories, but that the theories he has are wrong. In dealing with disputes between the government and the individual, will he automatically place too much stress on the government's rights? This is the question Liebman needs to answer.

Liebman is too fine a lawyer to miss this, and so in the second version of his piece—the passages written in lemon juice between the lines, secret messages to the Justice—he tries to cajole White into a different view. Liebman's point is to show White the way to the middle ground—some safe territory between the wild men of the left (notably William Douglas, with his "willingness to decide in every case which party's heart is purer") and the vigilantes of the right (Law-'n'-order Burger, or Rehnquist and his theories of "radical individualism"). The escape route is for White to lead a new "centrist bloc" on the Court, directing the five other non-doctrinaire Justices into a conciliatory, compromising, common-sense position. Liebman's notion of a centrist bloc containing White, Marshall, Brennan, Stewart, Powell, and Blackmun, seems roughly equivalent to looking at Benjamin Spock and John Schmitz, and then offering Nixon and McGovern as the joint leaders of a political centrist bloc.

In the final flourish to his piece—this part directed both to the Justice and the masses—Liebman indicts the Warren Court's legacy: "The Court did not encourage crime, but it behaved in a way that permitted people to think it did. How much personal freedom was actually secured in the process? And at what price in public support for other liberal causes? The price of Nixon, and the Nixon Court?"

This resume of the Court's record would be more appealing but for two quirks. First, the "personal liberties" Liebman mentions slightingly are harder for a white, educated lawyer like Liebman (or this author) to appreciate than for the people they have protected—accused criminals, welfare recipients, the poor, blacks, those too frightened or ignorant to take full advantage of their equal rights under law.

Second, and even more curious, is Liebman's use of what might be called the McGovern theory of the Supreme Court—the idea that because the Warren Court was too radical, it has only itself to blame for Nixon's election, the nominations of Burger and Rehnquist (not to mention Carswell), and the national backlash against the Court.

The Justice as Police Chief

By pulling back on the reins, Liebman implies, White has at least taken some of the fury out of the backlash. This argument, however, conveniently avoids several points. For one thing, White's dissents from the precedents of the Warren Court era were not limited to the tough criminal procedure cases, but embraced many key civil rights and First Amendment decisions as well. Moreover, some of the most strident and simplistic criticism of the Court's work has come from the pen of White himself. For example, in one of the most famous—and most criticized—criminal rights cases, White set a tone hard to distinguish from that of aggrieved police chiefs.

In *Escobedo v Illinois*, a supposed accomplice put the finger on the defendant, Escobedo, accusing him of murder. The police then hauled Escobedo to the station house, his hands chained behind his back. When confronted with the informer, Escobedo professed innocence and asked to see his lawyer. The police refused, taking him instead to the interrogation room. There they grilled him for four hours, making him stand, manacled, the whole time. Meanwhile, Escobedo's lawyer appeared and asked

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to see his client. The police refused him as well, in apparent violation of a state law. Finally, Escobedo knuckled under and "confessed" to the crime. Was this a fair use of police powers? The Supreme Court said no, ruling that the police had to let a man see his counsel once the investigation had been narrowed down to a definite suspect. White disagreed, saying that law enforcement "will be crippled and its task made a great deal more difficult, all, in my opinion, for unsound, unstated reasons, which can find no home in any of the provisions of the Constitution."

In another case, *Robinson v California*, the Court followed enlightened practice by holding that California's statute making drug addiction (as opposed to unlawful possession, sale, or use of dangerous drugs) a crime, violated the "cruel and unusual punishments" clause of the Eighth Amendment. White: "I deem this application of the 'cruel and unusual punishments' so novel that I suggest the Court was hard put to find a way to ascribe to the Framers of the Constitution the result reached today rather than to its own notions of ordered liberty."

Black and White

White's tendency to sacrifice individual rights when they clash with government actions has not been restricted to matters of criminal procedure. He joined the Supreme Court when the civil rights movement was attempting to implement throughout the South the principles of equality under the law, articulated by the Court during the previous decade. Those active in the movement were regularly subjected to harassment, loss of employment, or worse. White's judicial attitude during these years could most charitably be described as one of icy aloofness. In *Gibson v Florida Legislative Investigative Committee*, for example, where the Court held it a violation of the First Amendment to require the NAACP to provide its membership lists to a state body "investigating" Communist infiltration into the civil rights movement, White dissented, writing, "The net effect of the Court decision is, of course, to insulate from effective legislative inquiry and preventive legislation the time-proven skills of the Communist Party in subverting and eventually controlling legitimate organizations."

White consistently voted to uphold the trespass convictions of civil rights workers testing the legitimacy of racial discrimination at public eating places. And in *Cox v Alabama*, where civil rights demonstrators were told by one local official that they were free to assemble opposite a courthouse and then were promptly arrested by another for violating a local ordinance prohibiting assembling in the designated area, White disagreed with the Court majority decision that ruled the demonstrators had been entrapped and reversed their convictions.

In a case which one day may be the stuff of a good Southern Gothic novel, White came down on the Gothic side. In *Swain v Alabama*, a black man went to trial in a Southern courthouse, charged with rape. His prospects started to look worse than usual when the prosecutor used his peremptory challenges to clean out all black people from the prospective jurors list. The man was convicted, and White wrote the Supreme Court opinion which upheld the conviction.

White's judicial record has not, of course, been one of total insensitivity to human freedoms. He has, for example, consistently voted with the Court majority to accord indigents the full quotient of procedural rights available to all others. For the most part he has gone along with the "one man-one vote" decisions. When the Court (in *Griswold v Connecticut*) overturned a state ban on distributing birth control information, White agreed. His opinion noted that the supposed reason for the law—to discourage illicit activity—was not enough to justify the alleged "serious

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interference" with family relationships. White also wrote a ringing dissent to the astonishing decision in *Palmer v Thompson*, where the Court permitted Jackson, Mississippi, to shut down its public swimming pools rather than integrate them.

But even in those cases where White has gone along with the liberal majority (including recent death-penalty and wiretap cases), he often finds the most constricted, niggardly grounds for doing so. During the 1971 Pentagon Papers case, in which the Justice Department tried to stop *The New York Times* and *The Washington Post* from publishing excerpts, White went along with the 6-3 majority in favor of the newspapers. But he did so not because of any general objections to pre-publication censorship, but because the government had not proved that the series would "surely result in direct, immediate, and irreparable injury to our nation and its people."

The Five Cases

The five right-to-speak, right-to-hear cases decided last June amount to an affront to James Madison's warning that "a popular Government, without popular information or the means of acquiring it, is but a Prologue to a farce or tragedy, or perhaps to both." The question in the Branzburg, Pappas, and Caldwell cases was whether reporters could refuse to answer questions about the confidential sources they had cultivated. A fair argument could be made for absolute protection of reporters' sources, on the grounds that there is no other way to maintain a healthy press. If reporters had to turn over their information to the government—if, in effect, they were turned into unsalaried arms of the police and FBI—they would soon run out of contacts.

Paul Branzburg had collected information on marijuana traffic while working on a series of articles for the Louisville *Courier-Journal*. Pappas had learned about militant anti-war activity while working for the *Providence Journal*, and Caldwell covered the Black Panthers for *The New York Times*. The Court said the reporters would have to talk. White's concurring opinion stated:

> [W]e cannot accept the argument that the public interest in possible future news about crime from unverified sources must take precedence over the public interest in pursuing and prosecuting those crimes reported to the press by informants and in thus deterring the commission of such crimes in the future. Also, the relationship of many informants to the press is a symbiotic one which is unlikely to be greatly inhibited by the threat of subpoena: quite often, such informants are members of a minority political or cultural group which relies heavily on the media to propagate its views, publicize its aims, and magnify its exposure to the public.

Laird v Tatum led to another opinion alarming in its implications. Tatum was an anti-war activist who discovered that the Pentagon had been up to its old tricks in an effort to keep track of Tatum and his colleagues. The Pentagon's tactics included: keeping files on the memberships, beliefs, programs, and practices of nearly all activist groups in the country; using government agents to infiltrate the groups and find their confidential files; resorting to cameras and electronic bugs to eavesdrop on individuals and their political activities; and setting up a collection-and-distribution system for this information, which eventually was deposited with police agencies.

Catch-22 in Court

The Pentagon never denied these practices, nor did they challenge Tatum's claim that they "chilled" dissenters' activity. Rather, snatching a page from *Catch-22*, they claimed that since Tatum had been bold enough to sue, he obviously had not been "chilled."

In the Gravel case, Justice Douglas, dissenting from the majority, contended that Senator Gravel and his aides should be insulated from grand

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The Presidency

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jury "inquiry covering the Pentagon Papers, and Beacon Press from inquiry concerning publication of them, for that publication was but another way of informing the public as to what had gone on in the privacy of the Executive Branch concerning the corruption and pursuit of the so-called 'war' in Vietnam."

White, speaking for the majority, viewed the papers as stolen property and said that a grand jury had the right to question Gravel and his assistants in regard to the crime. There's not a single sentence in the White opinion that recognizes a congressman's duty to inform the public about such vital matters as the content of the Pentagon Papers.

The final case dealing with government rights versus individual liberties, *Mandel v Kleindienst*, was reported far more prominently and with more incredulity in Europe than in the States. It involved Ernest Mandel—a Belgian Marxist, prominent economist, and editor of the left-wing publication *La Gauche*. He had been invited by Stanford University to speak at a 1969 conference on "Technology and the Third World." As he had done on two previous visits to the U. S. in 1962 and 1968, Mandel applied to the American Consul in Brussels for a six-day non-immigrant visa.

Because of a clause in the Immigration and Naturalization Act of 1952 which bars, among others, aliens who advocate "the economic, international, and government doctrines of world communism," Mandel's visa required a special waiver from the Attorney General. Usually this is a routine matter—as it had been for Mandel before—but the visas require visiting communists to follow a strict itinerary.

Late in 1969, Mandel discovered that this time Richard Kleindienst would not approve his visa. The putative reason was that, on his last visit, Mandel had broken the rules: he had gone to a party in New York City to raise money for the Paris street

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demonstrators. This, Kleindienst said, "went far beyond the stated purpose of his trip... and represented a flagrant abuse of the opportunities afforded him to express his views in this country."

The case turned on whether the Justice Department's decision had violated private rights. The rights in question were not Mandel's—as an alien, he had none—but those of the Stanford students who wanted to hear him. The lower courts had ruled in the students' favor, but the Supreme Court overturned them. The majority opinion, which White joined and Blackmun wrote, said "we hold that when the Executive exercises this [waiver] power negatively on the basis of a facially legitimate and bona fide reason, the courts will neither look behind the exercise of that discretion or test it by balancing its justification against the First Amendment interests of those who seek personal communication with the applicant." Marshall's dissent: "No citation is given for this kind of unprecedented deference to the Executive, nor can I imagine (nor am I told) the slightest justification for such a rule."

What made the majority's holding particularly obnoxious was that the Justices well knew that Kleindienst's "facially legitimate and bona fide" reason for rejecting Mandel's visa application was a fraud. In fact, on the two earlier visits, Mandel had not been told about any of the special waiver provisions and had no way of knowing he was breaking the rules. The State Department admitted as much in a letter to Mandel's New York attorney, saying Mandel "may not have been aware of the conditions and limitations attached to the visa."

Property Rights

While most of these cases dealt with classic struggles between government and individual, the question in *Lloyd Corporation v Tanner* was whether the owners of enormous shopping malls can consider their tracts as overgrown versions of the old corner store, subject to the same degree of personal control and property-owners' tyranny that usually prevails on private property. The Tanner group had wanted to hand out anti-war, anti-draft leaflets at a "private" shopping center, and the owner's security guards turned them away.

The shopping mall in question was nearly a city by itself—50 acres in all, 20 of them covered with parking lots and the rest with 60 stores—and it had a tradition of being used as a public meeting place. Football pep rallies and high-school parades had taken place there, and on Veterans Day the mall owners invited "patriotic" organizations to march through the mall with flags, drummers, and color guards and to present speakers on patriotic themes. At the trial, the owner explained that "veterans... deserve support."

In the lower courts, all this evidence led to rulings that anti-war groups should have the right to hand out their leaflets, since the "mall is the functional equivalent of a public business district." The Ninth Circuit Court of Appeals upheld the decision, drawing on a Supreme Court ruling in the earlier Logan Valley case, which seemed identical in its circumstances. When the case hit the Supreme Court, however, the protestors lost. This situation was different from Logan Valley, the Court (including White) ruled, since in this case the demonstrators had "alternate" means of handing out their information. What alternate means? Well, said the Court, they could station themselves by the parking lot entrances, wait as the cars slowed, and then dash to the car and try to ram a leaflet through the window.

To White, even this derring-do alternative was not necessary. He had disagreed with Logan Valley, too, reasoning that private property was private property, and a man shouldn't have to give up his rights just because

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he owned 50 acres and let some veterans march through now and then. In the Logan Valley dissent, he said, "In no sense are any parts of the shopping center dedicated to the public for general purposes. . . . The public is invited to the premises, but only to do business with those who maintain establishments there. The invitation is to shop for the products which are sold. There is no general invitation to use the parking lot except as an adjunct to shopping."

One-Way Swinger

If these cases do not make White into Nixon's fifth Justice, they at least suggest that he feels much more comfortable in the Court Nixon has built than he ever did with the libertarians of the Warren era. This provides little cheer to those who had hoped that White would at least swing both ways in choosing between Burger and Douglas in the next few years.

The few threads which can be drawn from White's philosophical tangle confirm this impression. First among these themes is White's reluctance to disturb any state or federal actions unless they step on individual rights in a particularly obvious way. In the Palmer case, for example, White would not let the city of Jackson, Mississippi, close down its pools rather than integrate them. But the subtler discriminations of state welfare systems were circumspect enough to pacify him. Had Florida's Red-hunting group tried to outlaw the NAACP, White would certainly have stopped them; but when they tried to do their work through red tape and bureaucratic harassment, he was willing to let them go ahead.

Second, there is in White a positive distaste for the workings of a free press—perhaps a throwback to his days as a gridiron star. Then (as he has told close friends and an occasional reporter), he was so constantly badgered by journalists that he could barely pry them loose to live his own life. This does not mean that his views are totalitarian or that he would prefer to see the First Amendment overturned. But it may make him look on the free press more as a nuisance than a necessity, and on the First Amendment as an unavoidable fact of life rather than an ideal to defend at all costs. White's opinions in both the Pentagon Papers case and the reporters'-privilege cases support this view. In any event, his pain threshold for crying out against Executive interference with the press is distressingly high.

Third, as Liebman correctly notes, personal experiences play a large role in White's judicial philosophy. White grew up in the tiny Rocky Mountain town of Wellington, Colorado. He won personal success as an athlete and a scholar. He fought crime in the Justice Department. Each of these has pressed its mark onto White's brain, and the results appear in his decisions. As one illustration, his frontiersman's conviction that (in Liebman's words) "a good idea, like a good man or a good mousetrap, does not need absolutely ideal and equal conditions; if it is good, it will make it" has its reflection in the *Lloyd v Tanner* decision (if the kids' cause was right, they would be willing to risk their hands shoving leaflets through car windows, or at least the people could read them through the glass) and various welfare-rights decisions. White once told a reporter that in Wellington "everybody worked for a living. Everybody. Everybody." The fact that similar situations may not prevail in the rest of the country has not seemed to penetrate.

Finally, White's opinions fairly snarl with a lack of sympathy for the underdog, a failure to understand that one law can affect many people in brutally uneven ways. Anatole France wrote that "the law, in its majestic equality, forbids the rich as well as the poor to sleep under bridges, to beg in the streets, and to steal bread." One can well imagine Byron White quoting France, with no recognition of the irony intended. ■

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WORK IN AMERICA:

Do Entrepreneurs Have More Fun?

by Suzannah Lessard

Richard Safford's enthusiasm in the pursuit of his ambition is contagious even if you don't care much about the ambition itself. Achieving his dream is of paramount importance to him, but he clearly loves the chase for its own sake as well, and that is what makes him contagious. Like a poet, he makes little distinction between work and leisure, not because he's always thinking shop but because he engages with the challenge in some way at all apparent levels of his personality. Oddly, this effort doesn't burn him out, but on the whole it seems to rejuvenate him, just as his ambition seems not only to endure but actually to become more compelling in defeat. The dream is to make a lot of money. Richard Safford is an entrepreneur.

As work life in America becomes an issue of study and concern, the annoying and useless catchword "meaningful" is relied on more and more heavily to express what work ought to be. The brutal vacuity of assembly-line work has held the most attention: there the possibilities of infusing "meaningfulness" would seem, by the built-in limitations of the work, to be restricted to making mass-production systems bearable. Now the white-collar world, where work actually can be an asset in people's lives, is also becoming a cause for concern, as ennui, aimlessness, timidity, loss of pride, listlessness, a sense of entrapment, and any number of other desiccations of the spirit permeate work life, particularly in the mega-bureaucracies of both government and its doppelganger, big business. The causes of the trouble are more obscure than in the mass-production world, and so the search for that elusive "meaningfulness" is even less defined.

Entrepreneurs provide useful foils for the amorphous afflictions of the white-collar world because they are unusually engaged in what they do, they attach great significance or "meaning" to their endeavors, and most often their dissatisfaction with work in conventional structures has been an important factor in their choice to go out on their own. Safford is exceptionally clear-hearted about his work; others have a muddier sense of involvement. But the three very different personalities portrayed here all tell something about what the significance of work can be to people. (Names, places, and business particulars have been changed to protect the subjects. Otherwise all information presented as fact is undoctored.)

Though Safford's playing field, oil exploration rights, is one of the semi-rarified zones of capitalism, he is not out of the slick, whiz-kid mold. His involvement is emotional. He is, first of all, shamelessly romantic about the oil business. "I like oil. It's a man's business. I like the rigs and the machinery. And the people fascinate me--some of the strongest personalities I have ever met. It's a masculine world. Oil men are men's men. It's very challenging and there's a chance to make a lot of money. It's a

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fascinating life, much more so than Wall Street."

Drilling for Freedom

The truly sustaining adventure of Safford's career, however, is the freedom to succeed or fail on his own that autonomy affords. The terms he uses to describe the exercise of this freedom—"pursuing my convictions," "creativity," "reaching for excellence," and, most often, "responsibility"—may seem an inflated way of describing the promotion of drilling rights, but they tell more, I think, about the symbolic scope Safford attaches to his endeavors than they do about his limitations.

Responsibility is also considered the antidote to "meaninglessness' in white-collar world. The concept is on target, but sometimes the application perverts the end, particularly when combined with the concept of reward. For instance, the formula which prescribes giving a person more responsibility and then rewarding her if she fulfills it, could be interpreted in a positive way, but is loaded with a counterproductive notion.

The paternalism implicit in prescribing responsibility and rewarding it, in carefully measured doses, is not just condescending, but reinforces a kind of hierarchical control which, in the end, could only tourniquet the flow of interest more tightly. Whatever else Safford may associate with responsibility, the key ingredient in its attraction to him is that it frees him from an artificial system of rewards, so he can rely on his own judgment and let his performance stand or fall on its merits. This is a kind of self-testing, and along with it, self-discovery. The business of pleasing higher-ups in order to get good marks, on the other hand, is the kind of working format which gradually causes the people in it to lose their power to distinguish between their own judgment and someone else's. Far from a process of self-test and discovery, this is an eradication of self.

The system of rewards which depend on someone else's unaccountable judgment is discussed, as it operates at the blue-collar level, in *The Hidden Injuries of Class* by Richard Sennett and Jonathan Cobb. They describe a situation in which there are six foremen's jobs with 150 workers aspiring to them. Presumably, the promotions are based on ability—the "best" workers should get them, but since there are far more than six qualified workers—dozens of potential foremen—the decision is made "intuitively," on some mystical basis beyond the track records and ability of the aspirants. The system often incites anger in those with good, solid records who are passed over, but ultimately they accept the wisdom of the employer. Acceptance is expressed in phrases like "they must have their good reasons," as though the superiors "know more about you than you do yourself." In other words, you are incapable of being the judge of your own worth: that is a matter for superiors.

A Chance for the Big Time

I experienced an analogous and in some ways eerier situation in the white-collar world of publishing. I took a job which, I was led to believe, would involve a certain amount of nitty-gritty secretarial work but would also include more "interesting responsibilities," "chances" to do some editing, and "possibilities" of advancement. All I had to do, it seemed, was prove myself. The representation was accurate enough, except that there were three other people cruising around the same "chances." As a result, "interesting responsibilities" were at a high premium, and as I was the only one who labored under the stigma of a secretarial title, my disadvantages in the competition were severe. On the rare occasions when I did get hold of a scrap of jacket copy to work on, the business of "proving myself" was bizarrely distorted. The snatch of work was usually much too

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slim, and the chance too rare for me to risk reliance on my own judgment. Common sense dictated that I try to figure out what my superior would like, which is a horrible way to think about what you are doing.

I might have done better had I simply stuck to my own sense of values. In all fairness to my old boss, it was the structure of the situation, not the boss, which pressured me into the pattern of trying to please, and which, with the inevitable failures to "be noticed," further undermined whatever instinct I had to rely on my own judgment. I'm not sure my boss was even aware of what was happening; quite probably he was preoccupied with the same thing on a higher level.

Twisting for Cosmo

In the end, the situation became so bad that I involuntarily sabotaged myself by doing so poorly in the secretarial work that I was fired. But I took the habit with me. Trying to launch myself as a free-lance writer (which is in many respects like being an entrepreneur), I wrote everything with an eye to what I thought would please. Publication was a "reward" related far less to writing something of innate worth, which I myself could judge, than it was to writing something which would be approved by someone else. So I twisted myself one way for what I thought the *Village Voice* would like, another for the *New Yorker*, another for *Cosmopolitan*, not just in the sense of trying to choose appropriate subjects, which is sensible, but in the sense that the formation of every sentence, every idea, was nagged and cluttered by guesses at what would appeal. I suppose in the back of my head was the thought that once I got the blessing of publication I would be able to work by my own standards. In any event, the results of my efforts were masterpieces of mediocrity, quite deserving of the rejection slips they earned. It was only when, on the brink of giving up, I wrote a piece for no one in particular—and hence could rely only on my own judgment—that the close-out broke.

Nicholas Compton gives the impression of being a person who did not always have an irrepressible appetite for responsibility but for whom the recent taste of autonomy has led to addiction. He is president of a small corporation, Thermex, which manufactures an electronic device to regulate oil burning so that it not only gives out more heat per gallon but also cuts the polluting waste by more than half. The device was conceived by three friends of Compton's who left their jobs and formed their own company to develop it. For a year Compton flew hundreds of miles regularly to meet with his friends and give advice. When incompetent management drove the company into bankruptcy, the temptation was too great for Compton. Well into middle age, he left his job at Gordon Chemical and took over the presidency of Thermex.

Perhaps because he feels his hold on responsibility is tentative (because it's so new and because his company is in financial trouble), Compton was on the whole cagey, rather than enthusiastic, during the interview. Understandably, his primary concern seemed to be how my article would affect his and the company's images. As a result of this, his genuine feelings weaved elusively in and out of various fronts. Searching for what I wanted to hear, he concluded that it must be how socially responsible he and his company are, which made him at once startled, flattered, and suspicious. The anxiety constantly blocked the conversation, breaking out in awkward remarks presumably designed to give an impression of credibility like, "Of course I don't want to pretend that the only reason I'm in business is to battle pollution."

Compton perked up in response to a rather general and stereotyped remark about the unresponsiveness of big industry. "Maybe what you say is true of a lot of them," he said, "but

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there are some exceptions." He then launched into an impassioned eulogy of JBB, one of the largest applied-electronics firms. First he told how objections to the anti-personnel equipment JBB produced had persuaded them not only to stop production but also to extend this new consciousness into all fields of development. Then, even more vibrantly, he told how JBB had helped Thermex by making a big investment with no strings attached, just to give the company a boost. I later learned that about a year ago, when Thermex needed to make a crucial expansion, JBB had come forward with the urgently desired sum. However, they attached so many requirements to the investment that Thermex cannot avoid trespassing on the agreement without having the notes, which they could not possibly meet, called. Meanwhile, JBB is licking its chops at the prospect of gobbling up Thermex and its tasty little patent.

Riling the Lion

Compton, the emotional force of his fear coming out in the form of lavish praise of his predator, is the picture of a man in the grips of another will. The extreme nervousness that his comments might, if published, rile the all-powerful lion padding around him is a version of the situation in which one is enslaved trying to please someone who has the power to reward. In other words, entrepreneurship is no guarantee against helplessness in the grips of another will, although there is one crucial difference between Compton's situation and mine. If he succeeds, he will be returned to himself, whereas if I had succeeded I would in many ways have been delivered deeper into an enslavement. His real effort is to outwit and escape; mine was to please and be accepted.

Compton's uneasiness and consequently distorted statements about JBB, are completely understandable. Why it made him anxious to talk about pollution, however, is baffling. The Thermex gismo is a dream come true: a device which not only reduces pollution but saves money. If ever there was a blissful instance of the free-enterprise system working in the interests of everyone—the customer, the manufacturer, and the non-buying public—this is it. A group of engineers perceives a possibility which is not being pursued but which would solve one part of a conundrum weighing heavily on the country's mind—pollution and the prohibitive cost of reducing it. They believe strongly enough in the value and feasibility of their idea to cut loose from all the benefits and protection of successful careers in established organizations and spend two valuable years developing the idea. It works. The invention fills such a potentially hot demand that the appetite of a company like JBB is aroused—the only point at which the system breaks down is when it threatens the chances of their reaping the reward.

Compton, also an engineer, loves the gismo, even though he didn't develop it, and takes pride, as anyone would, in its function of ingeniously turning the laws of physics to a double and previously contradictory use. Yet, at least in the presence of someone whom he has decided is a social idealist, he doesn't feel free to express satisfaction at being part of an effort which has solved a social problem. The apparent reason is that in his mind the first function of the gismo is to make money. And since at the moment, the quality which makes the device most saleable is its fuel-saving property (in the absence of legislation, buyers are not so enticed by the anti-pollution aspect), somehow he feels he can't claim credit for having a hand in making cleaner air possible. He seems to think that I want him to say he would market anti-pollution equipment whether it would sell or not, and that once he has admitted a keen interest in profits, he cannot credibly claim any satisfaction in the gismo's social benefits without sound-

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ing like James Roche lauding Ralph Nader, or Maurice Stans deploring the behavior of the Committee for the Reelection of the President.

The Noble Consultants

I would speculate that there are two causes behind this assumption. The first is his fear, which makes him generally unsure of himself. The second is the culture of liberal idealism which automatically characterizes someone who goes into an urban-renewal consultantship as idealistic and classifies the person who decides to become a contractor as comparatively base. The assumption, reflected by Compton, is that the profit motive automatically excludes all non-profit motives (with the exception of power), or at the very least, that the profit motive debases any other aim which might be entwined with it. There are plenty of examples of the public interest being trampled under the profit-making drive. But the assumption that businessmen who reduce pollution in the interest of profits must be the same creatures who polluted the air in order to make profits in effect tells Compton that he can't take moral satisfaction in being part of an accomplishment because the accomplishment would only be morally prideworthy if the Ford Foundation were responsible for it. Logically, when a decision about where to direct the company must be made, he will not take such satisfactions into account, since only non-profit-making idealists deserve them.

Far less logically, spokesmen of the non-business culture say, "Of course we must have a national health program. Of course we must have a guaranteed income," and then imply that business is a vulgar activity and is for people interested only in personal gain, having no relation to reform other than being an object for reproval. Yet the businessman will, if successful, create jobs and wealth, in all likelihood contributing more to the country (by helping make possible the liberal reforms dependent on wealth) than your average foundation man. If the businessman does that and in addition markets a product like Thermex's which is a social contribution, his equal in terms of actual input towards a better world would be hard to find in the world of professional idealists. In other words, Compton shouldn't be made to feel that the profit-making aspect of his work undercuts the value of his contribution, he should feel that the wealth and job-producing aspects add to the contribution.

Kelly's Plateau

When I first met William Kelly he was sitting behind a bare desk in his office at four-year-old Kelly Data Services, a leasing company in Stamford, Connecticut. Like many entrepreneurs, he started out as a salesman, saw ways he could do the same kind of business more profitably, and bailed out. "You could not compensate for what the president of a fledgling company does. I'm in every line. There's no relief. It's tremendous fun, and it's agony." He went on in this vein, but without really appearing to have his heart in it. Because he was constantly analogizing between problems in the company and those in government (he is mayor of his small suburban town), I switched the conversation to his political life and instantly knew that was what he cared about. He had run as a Democrat in a solidly Republican town of 15,000 on

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issues like the Vietnam war. "These issues should be brought down to the local level. The town is a microcosm of the country. These are the things which are disturbing people and this is where you can educate." Does he want to go further in politics, or is this just a sideline? He definitely wants to go into politics full time, and he has for quite a while. What about Kelly Data and all that agonizing fun?

Early in the conversation he had pointed to his bare desk with pride: "I have delegated everything. I'm free to concentrate on decisions." Now he looks at the desk a bit wistfully, and it comes out. He is bored. Kelly Data has plateaued. The business runs itself. Why doesn't he sell it and go into politics? Because the stockholders wouldn't get a decent return on their money if he sold now, and he'd be betraying the risk they took for him.

William Kelly is locked between two forces. As he readily admits, his stockholders are not the only factor which holds him back from getting out now; he is also blocked by the conviction that he must first make a lot of money. The reasons behind this conviction come in layers. First, he believes he can't launch a political career without capital. Behind this theory, which certainly has some foundation, is a foggier set of reasons, having to do with his self-esteem. Kelly has attached an elusive significance to money: somehow, without it, he feels inadequate against his dreams. "I don't know why," he says after trying out several explanations and rejecting them. "I just have to have it."

Behind the entrepreneurial drive is often a desire to beat the system. This is not the system which holds the working class and poor under a ceiling, but a system which takes its educated middle-class members and slots them into structures in which their future is predetermined with very little leeway, and in which accomplishment is rewarded in predictable advancements marked by changing titles on the door. The entrepreneur is a person who breaks from this formation to make an end run on his own. The formation he makes an end run around is, among other things, one of income gradations.

Income is a key factor in the impatience or intolerance which spurs the end run because it is the marker of status. This is why people in this country are often identified by their income: "My friend Pete, he's a $40,000-a-year man."

There is something intolerable about being measured on a scale of any sort, because inevitably it's like saying: Here's the editor, he's a whole person; here's the associate editor, she's half a person; and the assistant editor here is about one eighth of a person. (The secretary is the lowest common denominator, one of the pennies if you are working on the dollar.) Your importance quotient, especially to those in the know, tends to be further refined by what sort of option you have on a slot above. If there are five assistants and one associateship, the quotient of those assistants will be downgraded according to their chances, something you can probably calculate by shades of difference in salary.

Capital Can Set You Free

When an entrepreneur decides to wing it on his own, he is breaking loose from the escalator of $15,000, $18,000, $25,000, $30,000 for an unscaled amount. In other words, he's going for capital instead of income. Capital makes you free, income is a kind of slavery. Capital is mysterious, income is a known quantity. Capital is extraordinary, income is ordinary. So when William Kelly says he must have a lot of money, he is talking about more than just security or the size of house he wants to live in. He is talking about declassifying himself, making himself unmeasureable, which is like being royalty, or a priest, or an artist—not "common." Everyone wants to see himself as divinely chosen, whatever the metaphor they select may be. Income versus capital is

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a natural if you have found yourself slotted in an income-status system, especially since the entire culture subscribes to the metaphor and since it has some validity—if you have capital you *are* in a very real sense, free. In any event, once you have operated within a specific metaphor, it's difficult to replace it with another without undergoing a profound transformation. Someone who has embraced the metaphor of artist for instance, is not likely to find her need to be divinely chosen gratified by being given a million dollars. In Kelly's case, the fixation is especially compelling because it has some basis in reality—indeed, it would be difficult for an honest man to go into politics with any reasonable hope of success if he lacked a healthy bank account.

For some who choose the capital-income metaphor, capital itself is enough. If Richard Safford succeeds, for instance, he will not plateau inside the way Kelly has but will go on to more of the same: capital will give him the freedom to play with capital and achieve what he perceives as a form of perfection. For Kelly, however, capital is something which will knight him, giving him the internal dispensation to go on to his knighthood in politics. He says, "I feel I have to give it back"—noblesse oblige—but to reach the stage of oblige he must first obtain noblesse.

Noblesse, to Kelly—beyond the legitimacy bestowed by capital—is a matter of liberating his potential (which is cramped by the lack of capital). He is one of those people for whom John Kennedy provided an electrifying glimpse of the inspirational power of an individual, and the possibilities which one person can open. He worked in the Kennedy campaign in Manhattan, but subsequently dropped out of politics, and he gives the strong impression that he must recover something from the other side of the time gap, a yearning a great many people share. His admiration is not simple idolatry. He's looking for something in himself, a kind of integrity, which Kennedy made him see. For example, he is a deeply believing Catholic. The integrity he seeks has a lot to do with bringing principles of Christianity right into the ball game. He doesn't mean the rinky-dink dogma like birth control, or latter-day fixations like abortion, but the principles, one of the possibilities the JFK-Pope John era momentarily intimated.

These are the elements Kelly wants to bring to his noblesse. And no less than these are his hard-earned, managerial, decision-making skills, which, as he has successfully applied them to his tiny municipality, have already afforded him so much satisfaction. The ideals are strong, but so is the fascination with performance—that old "I think I can do this better" which spurred him out of his company job.

So William Kelly sits at his empty desk, stealing as much time as he can for his mayoralty, which he is in grave danger of outgrowing just as he outgrew his interest in his company. He half-heartedly tries to achieve the goal which once galvanized him—but is still short of the dispensation, the power of money, which would free him to exercise the best in himself. Meanwhile, the one thing he demands of his occupation—that he learn from his work, that it be a process of self-testing and self-discovery—has evaporated. He gives an idea of how he has learned and discovered himself in his descriptions of the demise of one set of motivations. "I have just been appointed to the board of directors of my business school (from which he failed to graduate). A few years ago that would have meant a great deal to me in many senses—in the sense, for instance, of proving something to people I went to school with who might have been better scholastically than I was. That sort of thing holds no sway with me any more. Now it's strictly achievement—I don't need others to think well of me, I want to do things I myself know are worthwhile.

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Proving something to the world is a powerful motive to all of us, and probably especially strong in the entrepreneur. It's the kind of urge which grows most strongly out of rebellion at being classified—grade-classified, income-classified, or class-classified. Kelly has gotten past that and wants to pull it together on the inside rather than on the outside, which means he has a tremendous potential. He remains blocked, however, by his own metaphor (capital equals noblesse), and, I think, by the old fear of being scaled as well. When I asked him how much capital he needed, he was reluctant to tell—to demystify it—but finally did say he wanted a quarter of a million dollars (an interesting sum, not yielding the kind of income you can live on, but over the border from the "nest egg" category).

When I asked him exactly what political offices—federal, state, or local—would interest him, however, he shied. He will not be classified small potatoes/big time, an indication that politics, too, is a metaphor which must not be demystified, rather than something he simply wants to do, in which case classification would hold no threat. There is still something to prove to "them" as opposed to himself.

Political Nobility

Kelly is also blocked by the culture which tells him that politics indeed is the proving ground of the noble—the place where you "give back"—while business is for the common, self-interested man. Perhaps he should go into politics full time someday. Perhaps he has an invaluable contribution to make there. But perhaps, too, if he does get there he will discover other blocks which he will deem impossible to transcend until the day when he is President or Pope.

Meanwhile, he has no eyes for the potential under his nose. Admittedly, in its present form his company isn't much of a challenge, but he seems to have little doubt that it has a great potential for growth if he would only apply himself. If he could see in that potential the possibility of applying his idealism to, for instance, the problem of work-organization—if he decided to expand the company in directions which were particularly suited to that challenge *and* tried to make it profitable—it's a very good bet that his old appetite for entrepreneurship would come back with a bang. He might even make that pot of money in the process. Then he could decide whether or not he *wanted* to go into politics, and not whether he needed to prove something. He conceives of politics as a way to educate people and make them see the best in themselves. He can do the same thing in business as well. If he pitched himself into that challenge he probably wouldn't sigh, as he does now, "Time is the problem. I'm in my forties now."

The outside standards, mystical hierarchies, personal metaphors, and drives to prove something to the world (the kids back home, mom and dad, all the people who didn't recognize you as special) are the factors which get between people and their work, drawing them apart from themselves and undermining their sense of autonomy and well-being. The syndrome is not just destructive of people, it is wasteful as well—a dead loss for everyone. For instance, creating things of quality is one of the fundamental human satisfactions, yet as we become richer and more able technologically, quality products become rarer. You can point to modern economics as the reason, but you also have to point to what the organizations which produce goods are doing to a fundamental human instinct. There is another kind of waste in the William Kellys, who have the guts to break out of the formal syndromes only to get caught up in others of their own making—the mental blocks which keep them from seeing the work before them as a challenge to the best in themselves. ■

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POLITICAL BOOK NOTES

Public affairs books to be published in December.

American Business in the Twentieth Century. Thomas C. Cochran. Harvard, $11.95.

Comrade George: An Investigation into the Official Story of His Assassination. His Work for the People and Their Response to His Death. Red Prison Movement. Hovey Street Press, Cambridge, Mass. 02139, $2.15. Convincing evidence that George Jackson was murdered in prison, set in a revolutionary analysis of the prison system.

The Conduct and Misconduct of Foreign Affairs. Charles Yost. Random House, $7.95. From 40 years in diplomacy, Yost draws suggestions for improving our foreign policy and pumping life into international organizations. One idea is to free the UN from the tyranny of miniature countries by relegating them to "associative" membership.

The Dimensions of the Past: Materials, Problems, and Opportunities for Quantitative Work in History. Val R. Lorwin and Jacob M. Price, eds. Yale, $17.50.

FDR: The Beckoning of Destiny, 1882-1928. Kenneth S. Davis. Putnam, $15. Well-written biography of Roosevelt, running up to the time when destiny beckoned him to the New York governor's mansion. By wedging a whole volume of U. S. history into his story, Davis has made the book 850 pages long and given it all the details one could want.

God Save This Honorable Court: The Supreme Court Crisis. Louis M. Kohlmeier, Jr. Scribner's, $7.95. Nixon's struggle to knock the Court down to size. There is evidence of success in Chief Justice Burger's comment on the President's busing moratorium: "Congress may, of course, take any legislative action it deems necessary to make unmistakably clear its intentions, even to the point of limiting or prohibiting judicial review of its directives."

Hammarskjold. Brian Urquhart. Knopf, $12.50.

Heroin: The Myths and the Facts. Richard Ashley. St. Martin's, $6.95.

Homage to Daniel Shays: Collected Essays. Gore Vidal. Random House, $8.95. Even when applied to cotton-candy subjects (of Howard Hughes: "The best thing about Hughes has been his disappearance from the world—for this, if nothing else, he ought not only to have been honored but encouraged by a grateful nation"), Vidal's mind and prose are the sharpest available. As the essays move into the seventies, their subjects grow more important.

How We Lost the War on Poverty. Marc Pilisuk and Phylis Pilisuk, eds. Transaction/Dutton, $6.95, $2.95.

Hunger U. S. A. Revisited: A Report by the Citizens' Board of Inquiry into Hunger and Malnutrition in the United States. Published in cooperation with the National Council on Hunger and Malnutrition and the Southern Regional Council, Atlanta, Georgia. A review of changes since the 1968 *Hunger U. S. A.* report, reminding us of yet another problem that's forgotten but not gone. What progress there's been has come despite the Department of Agriculture, and because of a few senators (Talmadge, McGovern, Hollings). The simplest solution, the report concludes, is not to set up another program but to guarantee that everyone has an income to buy food with.

Johnny, We Hardly Knew Ye: Memoirs of John F. Kennedy. Kenneth O'Donnell and David Powers with Joseph McCarthy. Little, Brown, $10. Warm, rich in detail, gracefully done—but disappointingly short on new information. O'Donnell was the closest of all the White House staff to JFK, and Dave Powers probably spent more time with Kennedy than anyone else. Either the authors are holding something back, or else they've already been too generous with reporters.

Notes from China. Barbara W. Tuchman. Collier/Macmillan, $1.25. The bulk of the book—reprinted newspaper reports from yet another American discoverer of the New China—is apparently padding for the gem at the end: Tuchman's essay on how FDR turned down Mao's offers of friendship in 1945.

The OSS in World War II. Edward Hymoff. Ballantine, $1.65.

The Polaris System Development: Bureaucratic and Programmatic Success in Government. Harvey M. Sapolsky. Harvard, $9.95. While nearly unreadable (using words like

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Social Security. Is it getting better... or just older?

One of the drafters of the original social security program and a member of all Advisory Councils on Social Security records the establishment and subsequent growth of social insurance in this country. Dr. Brown effectively points up the distinction between social insurance and public assistance, and cites the urgent need for better distribution of health services. Discussing the present efficacy and possible future of the system, he also covers such important topics as Medicare, graduated income as a source of revenue, and pension credits under private programs.

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"operationalizable"), it asks an important question: "What made the Polaris project succeed when programs like the C-5A or War on Poverty flop? The answers—from bureaucratic infighting to controlled technology—center on keeping clever people in the program. This leads to a life-cycle theory of why all projects go downhill: "The team of skilled engineers and administrators assembled to develop a ballistic missile. . . is hardly challenged by the problems of component repair and inventory stocking."

President Kennedy and Britain. David Nunnerly. St. Martin's, $8.95. Through a blur of nostalgia, the author acclaims Mother England's still-fruitful "special relationship" to the U. S. during the Kennedy years, tempering our native impetuosity in world relations. Based on interviews probably mellowed by comparison with the present.

Public Papers of the Secretaries General of the United Nations. Volume II Dag Hammarskjold, 1953-1956. Andrew W. Cordier and Wilder Foote, eds. Columbia, $22.50.

The Rise and Decline of Fidel Castro: An Essay in Contemporary History. Maurice Halperin. Univ. of California, $2.50.

The Semblance of Peace: The Political Settlement After the Second World War. John W. Wheeler-Bennett and Anthony Nicholls. St. Martin's, $35. Vast source of well-written information on the origins and results of international maneuverings between 1939 and 1955, complete with 200 pages of documents. Concludes that today's form of peacekeeping, the nuclear "stalemate of terror," has at least kept us from major wars.

Source Catalog: Communities/Housing. Swallow, $2.95. The Whole-Earth Catalog approach to social action: bibliographies, organizing tips, legal advice, etc., on housing and urban problems.

State of the Nation. William Watts and Lloyd A. Free, eds. Potomac Associates/Universe, $8.50, $3.95. Includes an unusually useful set of opinion polls, focusing on what social and political issues people think important. The most startling result is that, for all the talk of alienation and social split, the huge majority of people say they are happy with their lives and work.

The United States and India, Pakistan, Bangladesh. W. Norman Brown. Harvard, $16, $4.50. Thorough, textbookish description of nearly every inch of the Indian subcontinent. Despite its title, the book avoids the assumption that the only interesting thing about Asians is their policy toward the U. S.

World Fisheries Policy: Multidisciplinary Views. Brian J. Rothschild, ed. Univ. of Washington, $9.50.

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